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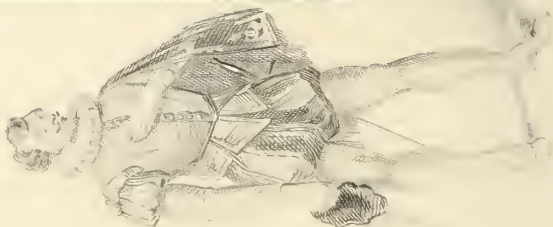
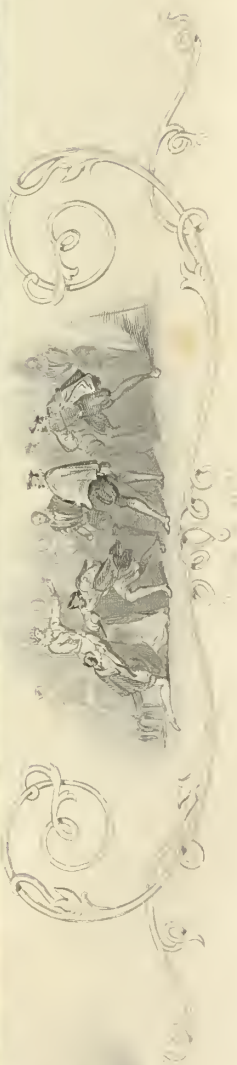
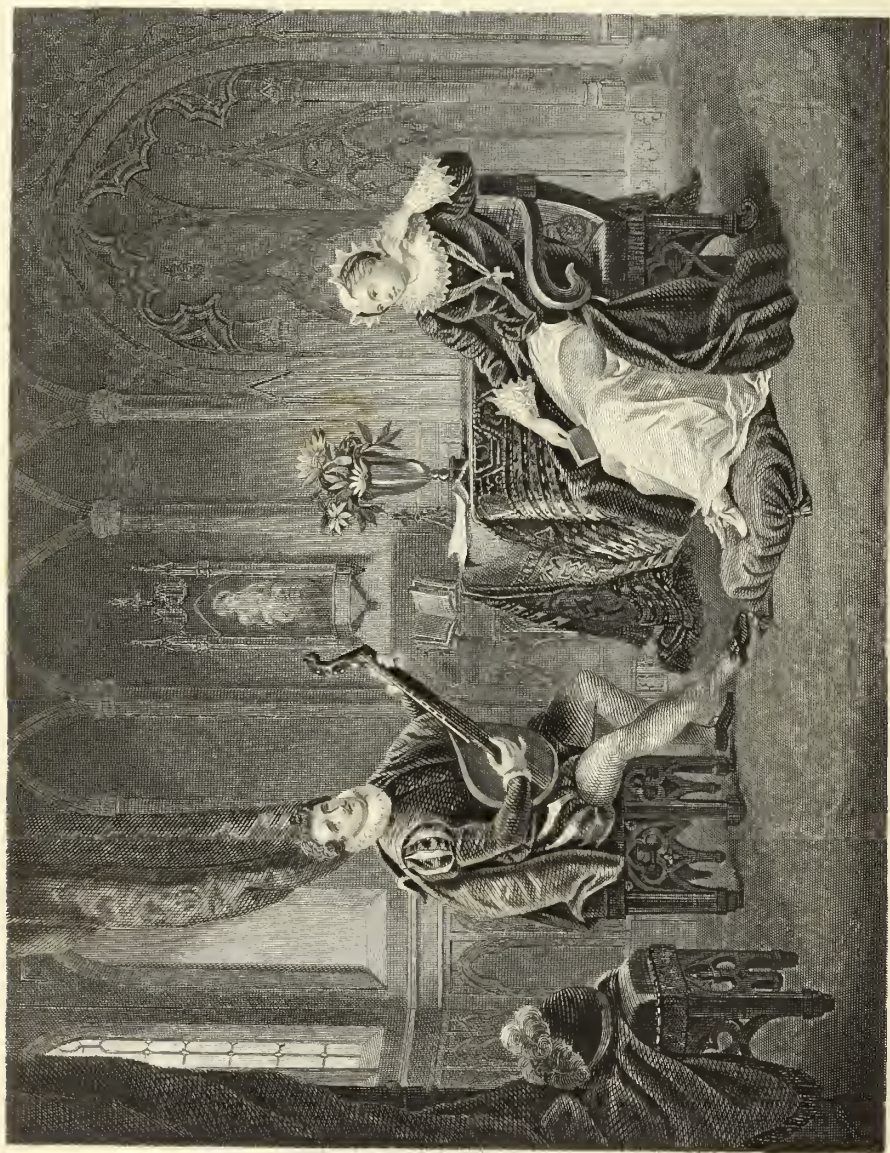
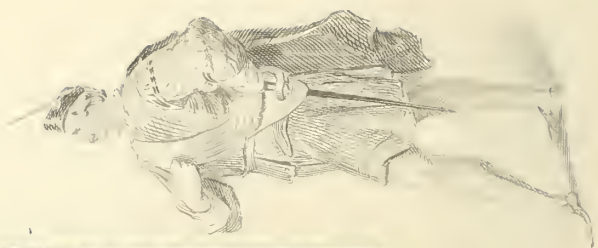




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Engraved by J. Smith

Printed by J. Smith

London: J. Smith, 1810

THE HISTORY OF THE REFORMATION IN ENGLAND, AND THE RISE AND PROGRESS OF THE PROTESTANT CHURCH IN THAT KINGDOM.

OF THE REFORMATION IN ENGLAND, AND THE RISE AND PROGRESS OF THE PROTESTANT CHURCH IN THAT KINGDOM.









Engraved by W. T. Fry

QUEEN ELIZABETH,  
THE FOUNDER OF OUR COLONIAL EMPIRE.

OB 1603.

FROM THE ORIGINAL OF ZUCCHERO, IN THE COLLECTION OF  
THE MOST NOBLE THE MARQUIS OF SALISBURY





Engraved by S. Freeman.

JOHN CAMPBELL, DUKE OF ARGYLL & GREENWICH.

OB. 1743.

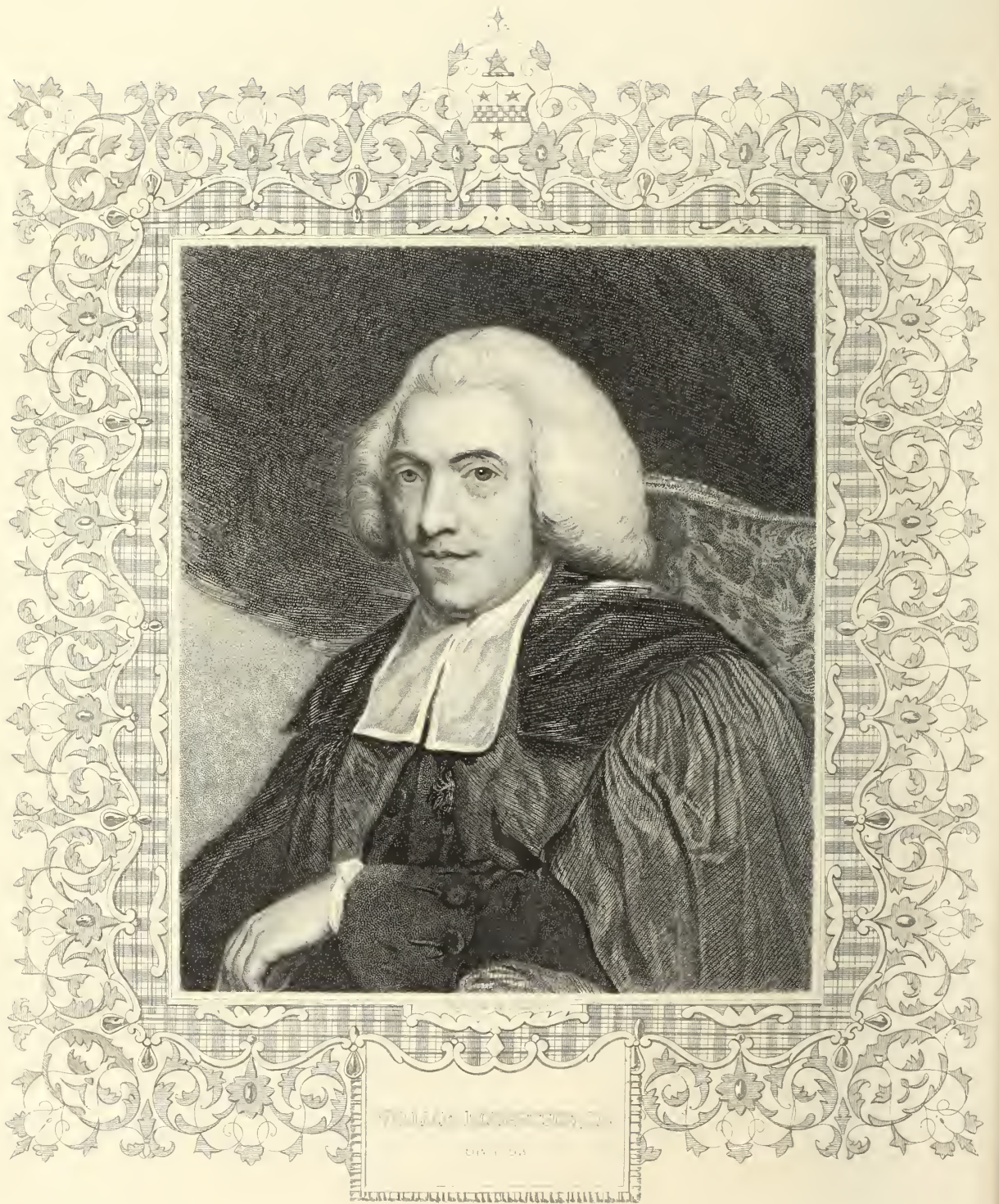
FROM THE ORIGINAL OF KNELLER, IN THE COLLECTION OF

THE HON<sup>BLE</sup> GEORGE AGAR ELLIS.













Engraved by T.W.Mote.

SYDNEY, FIRST EARL OF GODOLPHIN.

OB. 1712.

FROM THE ORIGINAL OF KNEILLER, IN THE COLLECTION OF

HIS GRACE THE DUKE OF MARLBOROUGH.





the same time that we acknowledge our submission to her majesty's authority, we think ourselves bound in duty, by virtue of the obedience we owe to the standing laws of the nation, and because of the regard we ought to have for the rights and liberties of our fellow-subjects, to declare our opinion as to the legality of this meeting—namely, that we do not think ourselves warranted by law to sit and act any longer as a parliament, and that by so doing we shall incur the hazard of losing our lives and fortunes, if our proceedings shall come to be questioned by future parliaments." The duke then produced and read a paper containing the reasons of dissent, which he delivered in his own name and in that of all who should adhere to him. These reasons were:—"Forasmuch as by the fundamental laws and constitution of this kingdom, all parliaments do dissolve by the death of the king or queen, except so far as innovated by the seventeenth act sixth session of king William's parliament last, it being at his decease to meet and act what should be needful for the defence of the true protestant religion as now by law established, and maintaining the succession to the crown as settled by the claim of right, and for preserving and securing the peace and safety of the kingdom. And seeing that the said ends are fully satisfied by her majesty's succession to the throne, whereby the religion and peace of the country are secured, we conceive ourselves not now warranted by law to meet, sit, or act, and therefore do dissent from anything that shall be done or acted." When he had finished reading, the duke retired, and was followed by seventy-nine members who adhered to his protest. They proceeded from the parliament-house to a tavern near the cross, amid the acclamations of the multitude. They subsequently dispatched lord Blantyre to court with an address to the queen in defence of their proceedings; but, though he was received in the queen's presence graciously, he was not allowed to present the address, and Anne declared her displeasure at their presumption, and her resolution to maintain the authority of that session of parliament, and the dignity of her commissioner. Proceedings were subsequently instituted against the dean and faculty of advocates, who had presented an address approving of the conduct of Hamilton and his adherents, a large number of whom declared that they had not authorised the dean to put their names to it.

The matter was finally left in the hands of the privy council.

Notwithstanding this secession, the parliament proceeded to business, and the commissioner read the queen's letter, in which she declared her resolution to maintain and protect her Scottish subjects in the full possession of their religion, laws, liberties, and the presbyterian discipline. She informed them that she had declared war against France, and desired them to provide competent supplies for maintaining such a number of forces as might be necessary to disappoint the designs of the enemy and preserve the present happy settlement. She earnestly recommended to their consideration a union of the two kingdoms. The duke of Queensberry spoke with great earnestness of the advantages which would be derived from the proposed union; but lord Marchmont, who entertained fears for presbyterianism, advocated that measure with less warmth. An act was then passed vindicating the authority of the queen and asserting the legality of the present parliament. An attestation was next produced, under the signatures of several members of the privy council, of the taking of the coronation oath by the new queen, after which the oath of allegiance was introduced, and an assurance was made that queen Anne was their only lawful and undoubted sovereign, both *de jure* and *de facto*, and with this was joined an engagement to defend her title against the pretended prince of Wales and his adherents. It was declared treason for any person to disdain, quarrel, or impugn the dignity and authority of the present meeting of parliament. An act was then brought in for securing the true protestant religion and presbyterian government; on the second reading of which, sir Alexander Bruce, commissioner for the burgh of Sanquhar, made some reflections upon presbytery, for which he was instantly called to the bar, and not giving a satisfactory explanation, he was at once expelled from the parliament. After a liberal supply had been granted, an act was brought in and passed, empowering the queen to "appoint commissioners to treat for a union; the estates of parliament being fully satisfied that such a union is needful and would be very advantageous for the defence of the true protestant religion, and for the better preserving and establishing the peace, safety, and happiness of both kingdoms." A suspicion had by this time been spread rather widely, that the queen was



not favourable to the presbyterian form of church government, and that, unless special care were taken, the proposed union might pave the way for an attempt to reintroduce episcopalianism. This gave rise to some discussion in parliament, which, however, in passing the act, expressed their confidence in the queen's intentions to fulfil her own promises on this subject, and in the care which their commissioners would give to this subject when the terms of the union should come under consideration. The discussion of an act abjuring the pretender was the cause of greater disagreements, and the commissioner, having received directions from court to prevent this act, and satisfied that it would be carried, was driven to the necessity of terminating the session abruptly. In doing this, he addressed them as follows:—"My lords and gentlemen,—The cheerfulness and unanimity of your proceedings in this session of parliament, in recognising her majesty's royal authority, securing the protestant religion and presbyterian government, and expediting the other acts that have been passed for her majesty's service and the good and safety of the kingdom, will, I am persuaded, be very acceptable to her majesty and satisfying to all her good subjects, and, I do assure you, is very obliging to me. But I must regret, that when I was expecting we should have finished in the same happy manner, a proposal, which I had some ground to think was laid aside, was offered the other day, to my surprise, as well as that of her majesty's other ministers, which occasioned some debate and difference in the house. My early engaging and firm adherence to the present establishment is so well known, that none can doubt my readiness to enter into all measures for her majesty's service and securing our happy settlement according to the claim of right; and I am confident that you are all of that mind. Since we are then all the same as to our dutiful and faithful adherence to her majesty, and that the claim of right is our unalterable security, I judge it fit for her majesty's service and your own interest, to prevent further contest and debate among persons I know to be so entirely well affected to her majesty, and for whom I have all imaginable honour, to dismiss this session of parliament. We have had no particular acts or ratifications that do require an act *salvo*; and I do render you hearty thanks in her majesty's name for the loyalty you have testified in your public acts, and

which I shall be careful to report to her majesty, and shall only recommend to you to let the country know the gracious assurances her majesty has been pleased to give us, and to dispose them to their duty and to comply with her majesty's royal intentions for their own welfare and happiness. And this I do in her majesty's name, and by her authority adjourn this parliament till Tuesday, the 18th day of August." This adjournment took place on the 30th of June; and immediately afterwards the leading men of the different political factions repaired to London, prepared by what had taken place for a speedy change in the Scottish administration.

The commissioners for treating for the union having been named on both sides, they met for the first time in the council-chamber in the Cockpit at Westminster, on the 27th of October, 1702, and continued their meetings there until the month of February following. It is desirable to follow their deliberations, as far as the minutes will allow us, to understand the reasons of failure in this first attempt, and as a necessary introduction to the narrative of the proceedings which led to the final success of the measure. On the 10th of November, the commission first proceeded to business. About seven in the evening the commissioners of both kingdoms met, and, after they had stood awhile, they took their places at a long table, the English on the right side, and the archbishop of Canterbury as first in their commission upmost; the Scots on the left side, and the duke of Queensberry first in the commission upmost. When they were seated, and their respective commissions read, the lord keeper made the following speech:—"My lords,—We, the commissioners for England, do, with great satisfaction meet your lordships on this occasion, hoping that by this congress the great business, for which her majesty has been pleased to grant these commissions, may be happily effected. That England and Scotland already united in allegiance under one head, the queen may for ever hereafter become one people, one in heart and mutual affections, one in interest, one in name, or in deed—a work, which, if it can be brought to pass, promiseth a lasting happiness to us all. With great sincerity we desire this union: and we meet your lordships with hearts fully determined to enter upon such considerations, and into such measures with your lordships, as are

proper for bringing the same to the desired conclusion; on our part nothing shall be wanting that may conduce to a happy period of this great work." The duke of Queensberry replied for the Scots:—"My lord,—The union of the two kingdoms has been much desired both before and since their being under one sovereign; and I hope it is reserved to her majesty, for the glory of her reign, to finish the design which hath been often attempted by her royal predecessors. My lord, I do consider this union to be highly advantageous for the peace and wealth of both kingdoms, and a great security for the protestant religion everywhere; and I can assure your lordships, both for myself and the other lords commissioners for Scotland, that we meet your lordships with great regard and honour to your persons, and with sincere intentions to advance this great design, and to accommodate any difficulties that may arise in the treaty upon fair and reasonable terms." After two adjournments, and the disposal of some objections of little moment, on the 18th of November the commissioners received a message from the queen, informing them, that "her majesty having, in prosecution of the several attempts made by her royal predecessors, moved both the parliaments to consider of the most effectual methods for establishing an union between the two kingdoms; and her majesty being authorised by both parliaments to appoint commissioners to treat of the terms of this union, which she hath done accordingly; her majesty hopeth that the commissioners, now happily met for this purpose, will agree upon such measures as will be acceptable to both parliaments; and may perfect an indissoluble union between the two nations, which her majesty thinks the most likely means, under heaven, to establish the monarchy, secure the peace, and increase the trade, wealth, and happiness of both nations. The heads of this treaty are so obvious, that her majesty does not think it necessary to name them; but her majesty recommends it to the commissioners, to make such proposals mutually on this subject as shall occur to them, and may be most likely to bring this treaty to a happy and speedy conclusion. And her majesty earnestly wishes, for her own honour, and the welfare of her subjects, that this union may be established on such solid foundations, as that the breach of it may be as impossible as human councils can make it. Given at

the court of St. James's, the 16th November, 1702."

Two meetings were occupied chiefly in agreeing upon the forms to be followed in their proceedings, and then, on the 20th of November, the lord keeper gave in the general heads of the proposals made on the part of England, which were, that the two kingdoms be united into one, by the name of "The kingdom of Great Britain, &c.;" and that the succession to the monarchy of this united kingdom of Great Britain shall be according to the limitations mentioned in the act of parliament made in England in the twelfth and thirteenth years of the reign of the late king William, intituled, "An act for the further limitation of the crown, and better securing the rights and liberties of the subject." The duke of Queensberry, on the part of the Scots, proposed—1. The uniting of the two kingdoms into one monarchy. 2. The representing both kingdoms in one parliament. 3. The mutual communication of trade, and all other privileges and advantages. At the next meeting, on the 25th of November, Queensberry acquainted the English commissioners, that the commissioners for Scotland were willing to agree that the kingdoms be united into one, by the name of "The kingdom of Great Britain," and that the succession to the monarchy of the united kingdom, in default of issue of queen Anne, shall descend on the princess Sophia, electress dowager of Hanover, and remain to her, and the heirs of her body, being protestants (excluding all papists), for ever, according to the act of the previous reign: reserving the other conditions and provisions contained in the act, to be considered in the further progress of the treaty, in order to be adapted to the constitutions and laws of both kingdoms. The lord keeper then acquainted the Scots commissioners with the answer of the English commissioners to two of their articles, which were accepted by the English; but the third question, that of trade, offered more difficulties, and the meeting adjourned to the 30th of November, to consider it further, when, the reply of the English being rather an evasion than an answer, the meeting adjourned further, and it was not till the 4th of December that Queensberry made the following communication on the part of the Scots:—"The lords commissioners for Scotland, having taken into consideration your lordships' answer to the third article of their proposals, wherein your lordships agree that a



mutual communication of trade and other privileges and advantages is proper and reasonable in a complete union of the two kingdoms, their lordships conceive that the uniting the two kingdoms into a monarchy, in one parliament, and one line of succession, is such an union as entitle the subjects of both kingdoms to a mutual communication of trade, and other privileges and advantages; and, if your lordships do acquiesce and consent to the communication of trade in these terms, the lords commissioners for Scotland do consent that the answer and this addition be entered in the respective books and journals." After some apparent hesitation, the English agreed at once to take into consideration the question of trade.

A committee was now appointed to expedite the treaty, and on the 9th, the Scots, who appear to have been at this time most active, made the following proposals:—  
 "1. That there be a free trade betwixt the two kingdoms, without any imposition or distinction. 2. That both kingdoms be under the same regulation, and liable to equal impositions for importation and exportation; and that a book of rates be adjusted for both. 3. That the subjects of both kingdoms, and their seamen and shipping, have equal freedom of trade and commerce to and from the plantations, and be under the same regulations. 4. That the acts of navigation, and all other laws in either kingdom, in so far as contrary to, or inconsistent with, any of the above-mentioned proposals, be rescinded. 5. That neither kingdom be burdened with debts contracted, or to be contracted, by the other before the union; and that the equality of impositions, in the second proposal, be understood with an exception of impositions laid on, or appropriate, by the parliament of England for payment of their debts, or, if an equality be thought necessary, that there be allowed to Scotland an equivalent. 6. That the former proposals are made without prejudice to the companies or manufactories of either kingdom, which are reserved to further consideration in the progress of this treaty." On the 14th of December, the queen, in order to give more activity to the negotiations, attended the meeting of the commissioners, and addressed them as follows:—"My lords,—I am fully persuaded, that the union of the two kingdoms will prove the happiness of both, and render this island more formidable than it has been in past ages; that I wish this treaty may be

brought to a good and speedy conclusion, I am come to know what progress you have made in it, and I do assure you nothing shall be wanting on my part, to bring it to perfection." Two days afterwards (on the 16th) the lord keeper, in the name of the English commissioners, gave in the following remarks on the Scottish proposals:—"As to the first article, their lordships are of opinion, that there be a free trade between the two kingdoms, for the native commodities of the growth, product, or manufactory of the respective countries, with an exception of wool, sheep, and sheep-fells, and without any distinction or imposition, other than equal duties upon the home consumption respectively; their lordships being of opinion, that the trade between the two kingdoms cannot be upon an equal foot, unless the said duties and impositions be the same in Scotland as in England. And this article respecting a coast-trade, it seems reasonable for their lordships to insist, that the master, mariner, and goods should be under the same securities, penalties, and regulations as are in that case provided by the laws in England. As to the second article, it seems reasonable; but their lordships offer, that it will be necessary therein to add a provision, that not only the impositions on trade, but the prohibitions be the same on both sides in respect as well of importations as exportations. As to the third article, their lordships say, that the plantations are the property of Englishmen, and that this trade is of so great a consequence, and so beneficial, as not to be communicated, as is proposed, till all other particulars which shall be thought necessary to this union be adjusted; and, as the case now stands by law, no European goods can be carried to the English plantations but what have been first landed in England, except salt, Irish and Scots provisions, servants and horses, Madeira wine, and wine of the Azores; nor can the product of the plantations be carried to other parts of Europe till it be first landed in England. Their lordships further offer, that in this article it will be necessary to make provision, that the subjects of Scotland shall be liable to be pressed for the sea, in the same manner as the English subjects are, in time of war, for her majesty's service. As to the fourth article, their lordships agree, that an act of navigation must be granted in both kingdoms adapted to the terms of the union. As to the fifth article, their lordships say,



that the proposals therein contained seem to contradict what was granted by the second article, inasmuch as there is no duty subsisting on trade (excepting only on some funds for the civil government) but what is appropriated to the payment of the debts of the nation; that though the said debts have been contracted by a long war entered into more particularly for the preservation of England and the dominions thereto belonging, yet that Scotland has tasted of the benefits which have accrued to Great Britain in general, from the opposition that hath been made to the growth and power of France; that such burdens will be abundantly recompensed to Scotland by a complete union: to which complete union, as a free communication of trade is essential, so such a free communication of trade cannot be established with equality, unless the same duties both upon foreign trade and home consumption be levied on both kingdoms: but how the sums of money thereby arising within the said realm shall be applied, or what equivalent is to be allowed in the room thereof, may be settled when your lordships are ready to offer what proportion of the public burdens Scotland proposes to bear towards the future support of the government, both in times of peace and war. As to the sixth article, their lordships say, that it requires to be further explained, before they can be ready to give any answer to it."

On the 19th of December there was a conference between the commissioners, in which the English seemed to have agreed to all the proposals of the Scots with regard to trade; but this was followed by several adjournments caused by the non-attendance of the English commissioners, at which, as seeming to denote an indifference on the part of the English, the Scots began to signify their impatience, and several of them threatened to return to Scotland. A more full meeting was held on the 30th of December, when the lord keeper offered the following proposals as the result of the conference about trade, to which the English commissioners had agreed:—"Agreed by the lords commissioners of both kingdoms in the terms of the preliminaries, and to take effect when the union shall be completed—1. That there be a free trade between all the subjects of the island of Great Britain, without any distinction, in the same manner as is now practised from one part of England to another; and that the masters, mariners, and

goods be under the same securities and penalties in the coasting-trade. 2. That both kingdoms be under the same regulations and prohibitions, and liable to equal impositions for importation and exportation, and upon the home consumption, and that a book of rates be adjusted for both. 3. That the subjects of both kingdoms, and their seamen and shipping, have equal freedom of trade and commerce to and from the plantations, under such and the same regulations and restrictions as are and will be necessary for preserving the said trade of Great Britain; and that the seamen of Scotland be equally liable to the public service, as the seamen of England now are. 4. That such laws, part or parts of the act of navigation, or of any other law now in force in either kingdom, as shall be contrary to, or inconsistent with, the union, shall be on both sides repealed." The Scots only insisted on the omission of the words relating to home consumption in the second article, which, after another conference, was yielded by the English.

Several other meetings and conferences were held on the question of trade, which was so difficult of adjustment, until, on the 27th of January, 1703, the Scots added to their other proposals a demand for the acknowledgment and support of the Indian and African company. Next day the lord president, on the part of the commissioners for England, offered the following paper, as their lordships' sense of the conference at the preceding meeting:—"The lords commissioners for England agree, that neither kingdom shall be burdened with the debts of the other contracted before the union, and that no duties on home consumption, or taxes to be levied from Scotland, shall be applied for payment of the English debts; and whatever time may be fit to be allowed to Scotland to reap the benefit of the communication of trade, and enable them the better to pay duties on home consumption equal to England, is most proper to be determined in the respective parliaments of both kingdoms."

Then his lordship gave as their answer to the additional proposition—"As to the last proposition, delivered the 27th instant, their lordships say, it has been found by experience, that two companies existing together in the same kingdom, and carrying on the same traffic, are destructive to trade, and are therefore of opinion, that to agree with this proposition will be inconsistent with the

interest of Great Britain." This last article seems to have been by mutual agreement laid aside for some days, but on the 1st of February, the commissioners for Scotland put in the following paper:—"1. Their lordships do still insist for preserving and securing the privileges of the Scots company trading to Africa and the Indies, because the undertakers did, on the public faith of the kingdom, advance a stock of two hundred thousand pounds or thereby; and it is not unknown to your lordships what part the generality of the kingdom, and also the parliament of Scotland, did take in the discouragements and disappointments the said company did receive, as is fully expressed in the address of the parliament to the late king. 2. Their lordships conceive, that the privileges of the Scots company may consist with the English East India company,

or any other English company which are circumscribed to the present limits of England; and it is not proposed that the privileges of the Scots company should be extended beyond the bounds of Scotland, so the several companies do not interfere. 3. If the existing of companies for carrying on the same traffic do appear to your lordships destructive of trade, it is not expected that your lordships will insist that therefore the privileges of the Scots company should be abandoned, without offering at the same time to purchase their right at the public expense." This question seems to have been looked upon as impossible to settle satisfactorily at that moment, and as dangerous to enter upon; and when the commissioners met on Wednesday, the 3rd of February, they were adjourned by a letter from the queen until the 4th of the following October.

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## CHAPTER XII.

CHANGE OF MINISTERS AND NEW PARLIAMENT; SIMON FRASER OF LOVAT, AND THE NEW JACOBITE PLOT, ANOTHER SESSION OF PARLIAMENT; AFFAIR OF CAPTAIN GREEN.

THE interruption, or rather the termination, of the treaty for a union, was followed almost immediately by a change in the Scottish ministry. All the more rigid presbyterians, the earls of Marchmont, Melville, Selkirk, Leven, and Hyndford, were dismissed from their offices. The earl of Seafield was appointed lord chancellor; the duke of Queensberry and viscount Tarbet, secretaries of state; the marquis of Annandale president of the council, and the earl of Tullibardine, lord privy seal. At the same time it was resolved to call a new parliament. The two religious parties in the country were both in a state of considerable excitement; for while the presbyterians rejoiced at the failure of the treaty as though their church had been saved from destruction, the episcopalians, reckoning rather hastily on the support of the new ministry, assumed a boldness to which they had not been accustomed of late years. The duke of Hamilton had obtained a letter from the queen to the privy council, expressing her desire that the presbyterian clergy should live in brotherly love and communion with such dissenting ministers of

the reformed religion as were in possession of benefices, and lived with decency and submission to the law. The episcopal ministers, encouraged by this interference in their favour, drew up an address to her majesty, in which they represented to her that they were unjustly turned out of their benefices at the revolution, and entreated her to compassionate them and their numerous families, who were reduced to a starving condition, on account of their adherence to the true apostolical church, of which she was a member. This petition was presented on the 13th of March, by Dr. Skene and Dr. Scott, who were introduced to the queen by the duke of Queensberry. She received them graciously, and promised to protect them, and endeavour to supply their necessities; but she exhorted them to live in peace and christian love with the clergy who were by law invested with the church government in Scotland. This same month was the period appointed for a general assembly, which met with some feeling of irritation caused by this proceeding. Lord Seafield, whom the queen had sent down as her commissioner, brought a letter from her



in which she promised that she would protect the presbyterian form of government "as that which she found most acceptable to the inclinations of the people;" but the assembly, who seem to have had some suspicion of the sincerity of the queen's intentions in their favour, were not satisfied with these expressions, and in their address in reply to the letter they carefully described it as the form of church government "agreeable to the word of God." An attempt was made to assert the intrinsic right of the church to hold and to dissolve its own courts independently of the civil power, with the desire of providing against a repetition of the abrupt and rather violent dissolutions of some late assemblies; but this was rather strongly opposed by some of the moderate presbyterians, and was consequently laid aside. A proposal for preventing intermarriages between papists and protestants was debated warmly; and in the middle of this discussion, the commissioner suddenly dissolved the meeting in the queen's name, and the moderator, being taken by surprise, allowed the dissolution to take place without a protest. But the dissatisfaction of the ministers led the question in dispute—as to the kirk's intrinsic power—to be warmly discussed and finally compromised by a form which left the real power to the state, while it indulged the church with the appearance of it, and which has been retained ever since. In future, an assembly was to be dissolved first by the moderator in the name of the Lord Jesus Christ, and then by the commissioner in the name of the civil power.

While this assembly had been going on, great exertions were making throughout the country by the different political parties to gain a majority in the elections, and the result was, that a more considerable number of those who might be considered in general terms as anti-revolutionists obtained seats than had sat in any parliament since the revolution. But most of the parties were more or less divided among themselves, for even the newly-formed country party consisted of two very distinct classes of men—the dissatisfied presbyterians, led by Fletcher of Saltoun, who only sought a redress of grievances which had existed during the late reign; and those who acknowledged as their leaders the duke of Hamilton and the marquis of Tweeddale, and who were guided more by personal ambition and interests than by attachment to any particular sect in religion or principle. The ministry itself was

divided, for there was from the first a jealousy between the members of the old administration who remained in office and their new colleagues. The struggle, however, lay really between the presbyterians and the jacobites. The latter were courted by the earl of Seafield, who, believing them to be stronger than they were, encouraged them with assurances of the queen's secret attachment and reliance upon their superior loyalty and fidelity. Still further to strengthen them, Seafield obtained an indemnity for all acts they had committed since the revolution, which was published in the month of March, and many of the exiles took advantage of it to return from France to Scotland, where, pretending to have changed their sentiments, they took the oaths in order to be qualified to sit in parliament. The episcopalian clergy threw all their weight, such as it was, into the interest of this party, and they became so sanguine that they entertained hopes of being able to outvote the presbyterians. This party, now known as the cavaliers, acknowledged the lord Hume as their leader. The party who supported the principles of the revolution, consisting of the great body of the moderate presbyterians, had for its leader the duke of Argyle. The rigid presbyterians, whose fears as well as their hostility had been excited by recent events, were especially active in the elections, and the duke of Hamilton, who was too wise to separate himself entirely from the presbyterian party, rather assisted than checked them. The consequence was that, though part of them formed the strength of the country party, when united the presbyterians far outnumbered the episcopalians and jacobites.

As this was the last parliament of Scotland, and as it was opened with especial solemnity, the ceremonies attending it, or (according to the old terms) the riding, deserve to be described in detail. On the 6th of May, the day of opening, the streets through which the cavalcade was to pass were cleared of all coaches and carriages, and a lane was formed in the middle with rails on each side, within which those only who formed part of the procession were permitted to enter, except the captains, lieutenants, and ensigns of the trained bands. The streets, without the rails, were lined from Holyrood-house westward, first with the horse-guards; next, with the horse-grenadiers; then, with the foot-guards, who reached to the Nether Bow; from thence to



the parliament square, by the trained bands of the city; from the parliament square to the parliament house, by the lord high constable's guards; and from the parliament house to the bar, by the earl Marshal's guards. The lord high constable was seated in an elbow-chair at the door of the parliament house. The officers of state were assembled there in their robes. The members of parliament, with their attendants, assembled at Holyrood-house, from the windows and gates of which the rolls of parliament were called over by the lord-register, lord-lion, and heralds, after which the procession moved forward in the following order:—Two trumpeters in coats and banners, riding, and bareheaded. Two pursuivants in coats and foot-mantles, similarly riding. Sixty-three commissioners for boroughs, on horseback, covered, riding two and two, each having a lackey attending on foot, "the odd member walking alone." Seventy-seven commissioners for shires, on horseback, covered, two and two, each having two lackies attending on foot. Fifty-one lords and barons, in their robes, riding two and two, each having a gentleman to support his train, and three lackies on foot, wearing above their liveries velvet surtouts, with the arms of their respective lords on the breast and back, embossed on plate, or embroidered with gold and silver. Nineteen viscounts, as the former. Sixty earls, as the former, four lackies attending on each. Four trumpeters, two and two; four pursuivants, two and two; six heralds, two and two, bareheaded. The lord lion-king-at-arms, in his coat, robe, chain, baton, and foot-mantle. The sword of state, borne by the earl of Mar, and the sceptre, by the earl of Crawford, supported by three macers on each side. The crown, borne by the earl of Forfar, in the room of the marquis of Douglas. The purse and commission, carried by the earl of Morton. The duke of Queensberry, lord high commissioner, with his servants, pages, and footmen. Four dukes, two and two, gentlemen bearing their trains, and each having eight lackies. Six marquises, each having six lackies. The duke of Argyle, captain of the horse-guards. The horse-guards. At the entrance of the house, the commissioner was received by the lord high constable, who conducted him to the earl Marshal, and between them, ushered by the lord chancellor, he was led to the throne. After all the members, in their several orders and classes, had taken their

seats, prayers were said, and then the commission of the queen's representative to the parliament was read in Latin. After this the rolls were called, and if any member were called out of his proper order, a protest for precedency was entered. When this part of the ceremony had been concluded, the court of parliament was "fenced" by the lion-king-at-arms, in the following words, which were read by the lord clerk-register, and repeated by the king-at-arms:—"Forasmuch as this present parliament was called by her majesty's royal authority and special mandate, and is now met and convened in obedience thereto, I therefore, in the name of her most sacred majesty, Anne, by the grace of God, of Scotland, England, France, and Ireland, queen, defender of the faith, and in the name of the high and mighty prince, James, duke of Queensberry, her majesty's high commissioner for this kingdom, do fence and fix this court to sit, hold, and continue during her majesty's pleasure; and I command all and sundry to reverence, acknowledge, and obey the same, and I defend and forbid all persons whatsoever to make or occasion any trouble or molestation to this high court of parliament, as they will answer at their highest peril." The lord Boyle, lord treasurer depute, took instruments of this proceeding, in absence of the queen's advocate. The commissions for the officers of state were next produced and read, and those officers took their oaths and seats in parliament in the following order: the earl of Seafield, lord chancellor; the marquis of Annandale, president of the privy council; the earl of Tullibardine, lord privy seal; viscount Tarbet, secretary; sir James Murray of Philiphaugh, lord clerk-register; and Mr. Roderick Mackenzie of Prestonhall, lord justice-clerk. The next proceeding was to read the queen's letter, which was done first by the lord clerk-register, and then a second time by one of the ordinary clerks. She expressed in general terms her affection for the religion and liberties of her ancient kingdom of Scotland, and her readiness to contribute in any way to their security and protection; recommended to the parliament the necessary supplies for the just war in which she was engaged, and the encouragement of trade, and told them she calculated upon their dutiful and cheerful concurrence with her wishes. The commissioner and chancellor, as usual, spoke in recommendation and support of the queen's speech. After the latter had concluded, the duke of

Hamilton gave notice of an act for recognising and asserting her majesty's authority and her undoubted right and title to the crown, which, as this had been done in the preceding session, conveyed by implication doubts of the legality of the previous recognition, and it was understood to be preparatory to a motion to be made by the duke to declare that session, from which he had seceded, illegal. An additional clause to Hamilton's act was suggested by the lord-advocate, "That it should be high treason to question either her majesty's right and title to the crown, or her exercise of the government since she had succeeded to it," which was carried at once by a large majority; and as the queen's sanction of the preceding session of parliament was a part of her exercise of government, the duke's object was of course defeated. It may be stated, as a part of the ceremonies of the first day, that when the parliament rose, the procession returned in nearly the same order to Holyrood-house, where, the same evening, the commissioner entertained the members at a magnificent supper.

The jacobites were anxious to make an ostentatious display of their loyalty in parliament, and it was arranged that the supplies should be moved by their chief, lord Hume; but two of the great parliamentary leaders, Argyle and Marchmont, the first anxious for the security of his estates, and the second, for that of the church, determined to press for acts solemnly ratifying the revolution and the presbyterian government, before any supplies were granted, and they waited upon the duke of Queensberry, and informed him of their intention. Queensberry urged argument and expostulation in vain, and finding himself now in a disagreeable dilemma, with the alternative of relinquishing the hope of supplies or giving up his jacobite allies, he became convinced of his error in reckoning upon the strength of the latter. Accordingly, when lord Hume moved the supply, the marquis of Tweeddale immediately made an overture for a resolution, "That before all other business the parliament might proceed to make such conditions of government and regulations in the constitution of this kingdom, to take place after the decease of her majesty and the heirs of her body, as shall be necessary for the preservation of our religion and liberty." Amid these debates, which were carried on with a boldness of language seldom witnessed in a Scottish

parliament, Fletcher of Saltoun distinguished himself both by the liberality of his views and by his nervous eloquence. "I am not surprised," he said, in supporting the resolution to delay the supplies, "to find an act for a supply brought into this house at the beginning of a session. I know custom has for a long time made it common; but I think experience may teach us that such act should be the last of every session, or lie upon the table till all other great affairs of the nation be finished, and then only granted. It is a strange proposition which is usually made in this house, that if we will give money to the crown, then the crown will give us good laws; as if we were to buy good laws of the crown, and pay money to our princes that they may do their duty, and comply with their coronation oath. And yet this is not the worst; for we have often had promises of good laws, and, when we had given the sums required, those promises have been broken, and the nation left to seek a remedy, which is not to be found unless we obtain the laws we want before we give a supply. And if this be a sufficient reason at all times to postpone a money act, can we be blamed for doing so at this time, when the duty we owe to our country indispensably obliges us to provide for the common safety in case of an event altogether out of our power, and which must necessarily dissolve the government, unless we continue to secure it by new laws,—I mean the death of her majesty, which God in his mercy long avert! I move, therefore, that the house would take into consideration what acts are necessary to secure our religion, liberty, and trade, in case of the said event, before any act of supply, or other business whatever, be brought into deliberation." The result was that the money act was allowed to remain in abeyance, while other acts of a more exciting nature were proceeded with. Among these the subject of religion held a prominent place. The episcopal clergy, anxious to forestal the triumph of which they imagined themselves now secure, had indiscreetly intruded themselves into some of the parishes, and even in some cases taken forcible possession of the pulpit, to the great indignation of the presbyterians. The earl of Strathmore now introduced into parliament a bill for allowing full toleration to all protestants in the exercise of their worship, the object of which was evidently to exempt the episcopalians from the oath,



and allow them the free possession of church livings. The presbyterians took fire immediately at this proposal, and a warm remonstrance was presented on the part of the general assembly. Marchmont and Argyle met the proposal by introducing measures of a very contrary tendency, and an act was passed "ratifying, approving, and perpetually confirming all laws, statutes, and acts of parliament made against popery and papists; and for establishing, maintaining, and preserving the true protestant religion; as likewise for ratifying, establishing, and confirming presbyterian church government and discipline by kirk sessions, presbyteries, provincial synods, and general assemblies, as agreeable to the word of God, and the only government of Christ's church within the kingdom." Another act declared it to be high treason to question the authority of the convention parliament, or to attempt to alter or innovate upon the claim of right. The latter, we know, abrogated prelacy, and established presbyterianism, in the strongest terms. The ministers seeing that it was impossible to resist the spirit of the parliament, yielded to its wishes.

The consequence of all this was a rupture between the government and the jacobites, or cavaliers, who, thinking themselves betrayed by the duke of Queensberry, first expostulated with him on his breach of promise to favour and protect them, and then resolved to separate themselves from the court and act as an independent party, and during the rest of the session they voted generally with the country party, as the most apparent means of embarrassing the government. All the discontented parties, indeed, of whatever shade of politics, now united under one banner, which was furnished by the act of security. This act originated in a desire to counteract the English influence in Scotland, which the affair of the colony in Darien had led people to look upon with the greatest jealousy, and which was represented to be the cause of every grievance of which the Scottish patriots now complained. It was determined therefore to make Scotland more independent of the government of England, and the mass of the strict presbyterians, who were strongly impressed with the suspicion that any closer union with England might lead to the subversion of their own church government, joined heartily in the design. It was considered that a great mistake had been committed by allowing their native

princes to ascend a foreign throne without placing restrictions upon him as regarded themselves, and that it was no less an error to give their crown to a foreigner, in the case of king William, without accompanying it with such restrictions. An act, therefore, was brought in, providing that, on the twentieth day after the death of the queen, the parliament then in being, or, in case there were no parliament in existence at the time, the members who had sat in the last preceding parliament, should, without regard to any that might be indicted, meet in Edinburgh to present the claim of right and administer the coronation oath to her successor, or appoint commissioners to administer it within thirty days, if such successor were in England, or, if absent from Britain, within sixty days. If the next heir were a minor, the estates were to appoint a regency;—and, if no heir had been already settled, they were authorised to name one, who was to be of the royal line of Scotland and of the true protestant faith; providing always that the same be not successor to the crown of England, unless during the present queen's reign there should be such conditions settled as might secure the honour and sovereignty of the crown and kingdom of Scotland, the freedom, frequency, and power of parliaments, and the religion, liberty, and trade of the nation, from English or any foreign influence. All papists were to be strictly excluded from this parliament, as well as all Englishmen or foreigners, having Scottish titles, but not possessing estates in Scotland to the value of twelve thousand pounds of yearly rents. During the period between the demise of the queen and this meeting of parliament, the government was to be lodged with such members of the estates and privy council as should happen to be in Edinburgh. All civil commissions, except those of sheriffs and justices of the peace, and all military commissions above the rank of captain, were to expire with the death of the sovereign. The subalterns and soldiers were all to repair to their respective quarters or garrisons, and be there under the immediate command of the provisional government; while, for the further security of the latter, all the fencible men of the kingdom, who were protestants, were to be called out, armed, and trained. It was further proposed, as a sure means of cutting off the foreign influence which was said to have proved so injurious, to place the disposal



of offices and places in Scotland under the control of the Scottish parliament. This bill was obstinately and violently debated, and such bold and inflammatory speeches were made as had seldom been heard in a Scottish parliament. It was considered paragraph by paragraph, and many additions and alterations were proposed, of which some were adopted. Fletcher of Saltoun was especially distinguished by the earnestness with which he advocated this measure, and he pleaded strongly for the controlling power of the Scottish parliament over the disposal of places. "Without this," he said, "it is impossible to free us from a dependence upon the English court; all other remedies and conditions of government will prove ineffectual, as plainly appears from the nature of the thing, for who is not sensible of the influence of places and pensions upon all men and all affairs? If our ministers continue to be appointed by the English court, and this nation may not be permitted to dispose of the offices and places of this kingdom, to balance the English bribery, they will corrupt everything to that degree that if any of our laws stand in their way they will get them repealed. Let no man say that it cannot be proved that the English court has ever bestowed any bribe in this country, for they bestow all offices and pensions, they bribe us at our own cost! 'Tis nothing but an English interest in this house that those who wish well to our country have to struggle with at this time. We may, if we please, dream of other remedies; but so long as Scottishmen must go to the English court to obtain offices of trust or profit in this kingdom, these offices will always be managed with regard to the court and interest of England, though to the betraying of the interest of this nation whenever it comes in competition with that of England. And what less can be expected, unless we resolve to expect miracles, and that greedy, ambitious, and for the most part necessitous men, involved in great debts, burdened with great families, and having great titles to support, will lay down their places rather than comply with an English interest? Now, to find Scottishmen opposing this, and willing the English ministers should have the disposal of places and pensions in Scotland, rather than their own parliament, is matter of great astonishment; but that it should be so much as a question in the parliament, is altogether incomprehensible." The voice

of Fletcher, always powerful in the opposition, was on this occasion irresistible, and the ministers saw that the majority in the house was in his favour. They therefore did all they could to counteract the opposition by intriguing with parties, by sowing division among their opponents, by protracting the session and interposing intervals of one or two days between the meetings of parliament for business, so as to tire out those members of the opposition whose long residence in the capital was onerous and who were anxious to return to their homes. They next tried to conciliate the opposition by introducing popular bills, and an act was passed depriving any king or queen of Scotland and England of the right of making war, as king of Scotland, upon any prince, potentate, or state whatsoever, without the consent of parliament. The aim of this act was to hinder Scotland from being necessarily dragged into all the continental quarrels of the new dynasty. Another act confirmed fully the privileges of the company trading to Africa and the Indies, and the company was empowered to convey these privileges, by commission under its seal, to all persons or ships trading to Asia, Africa, or America. Further, to conciliate the mercantile interest and that of the country gentlemen, bills were passed removing the prohibition upon French wines, and continuing that upon the importation of Irish corn and cattle. But all was to no purpose, for, when at last the house came to a decision, the act of security was carried by a majority of fifty-nine. As it seems generally to have been understood that the queen's consent would not be given to this act, the ill-humour of parliament increased after their triumph. At the beginning of September, the earl of Marchmont introduced a bill to settle the succession on the house of Hanover. It seems to have been brought in abruptly, and at first the house appeared to be quite unacquainted with its import; but when the clerk, in reading it, came to the mention of the princess Sophia, the whole house burst into a flame, and some proposed that the bill should be burnt, while others cried out for sending the mover as a prisoner to the castle, and the whole parliament seemed to join in the general outcry. The bill was thrown out by about the same majority as that which passed the act of security. After the meeting of parliament had thus been so long protracted, the ministers brought for-

ward the question of subsidy on the 5th of September, when the parliament house presented an extraordinary scene of tumult. Some members demanded aloud that the royal assent should be given to the act of security, while others asked if the only object of the meeting of parliament was to support the men who were betraying their country. It was moved by the opposition that the question should be put whether the house should proceed to overtures for subsidies or overtures for liberty, and the house resounded with cries of "Liberty or subsidy!" After several hours of violent altercation and invective, the commissioner refused to allow the vote to be taken on this question, upon which the earl of Roxburgh declared that, if there were no other way of obtaining so natural and undeniable a privilege of parliament, they ought to demand it with their swords in their hands. The commissioner was so alarmed at all these symptoms of violence, that he had ordered the foot-guards to be in readiness, and placed a strong guard upon the eastern gate of the city. The agitation, however, had risen to such a height, that, fearful even of losing his own life, he felt it necessary to appease the parliament for the moment, and the members separated with the understanding that next day they were to be allowed to enter upon the question of limitations of the crown. Accordingly, on the following morning, they prepared an overture to the effect that, the elective members should be chosen for every seat at the Michaelmas head courts; that a parliament should be held at least once in two years; that the short adjournments should be made by the parliaments themselves, as in England; and that no officer in the army, customs, or excise, nor any gratuitous pensioner, should be capable of sitting as an elective member. All further proceedings, however, were prevented by the commissioner, who called for the acts which he was empowered to pass, touched them with the sceptre, and closed the session. After it was over, a number of promotions were made among those noblemen who seemed to have influence and to be inclined to give their support to the queen's government. The marquises of Douglas and Athol were created dukes; viscounts Stair and Rosebury, earls of Stair and Roseberry; the viscount Tarbet, earl of Cromartie; the lord Boyle, earl of Glasgow; sir James Stuart of Bute, earl of Bute; Charles Hope, earl

of Hopetoun; the lord Portmore, earl of Portmore; John Crawford of Kilburnie, viscount Garnock; and sir James Primrose, viscount Primrose. The queen at the same time revived the order of the thistle, which had been suppressed in the preceding reign.

These heats greatly raised the hopes of the jacobites, and the pretended British court at St. Germain's, overrating their own prospects on the one hand, and fearful on the other that any bar against the succession of their pretender might be raised by the presbyterian party, were urgent with their friends to be more active, and even dissatisfied with the cautious conduct of the duke of Hamilton, on whom they had been lately looking as one of their main supports. But Hamilton was too wise to risk his fortunes in a mad enterprise, and the disappointed jacobites did not hesitate openly to accuse him of counteracting their plans because he aspired to the crown of Scotland himself. Meanwhile, the ex-queen was engaged in another intrigue, which ended in causing a new and very violent agitation in England as well as in Scotland. The agent in this intrigue was Simon Fraser of Beaufort, an unprincipled and depraved man, afterwards so notorious as lord Lovat. On the death of the chief of his clan in 1698, Simon Fraser and his father attempted to obtain forcible possession of his estates as his next male heir, to the exclusion of the widowed lady Lovat and her four daughters, but they were prevented by the interference of the earl of Athol, a near relative (according to some accounts the brother) of the lady. Not long after this, Simon Fraser, with a strong party of his barbarous followers, entered the house of the lady by surprise and committed a rape upon her person, attended with circumstances of atrocious outrage, with the aim, it appears, of obtaining the estates by forcing her into a marriage. In consequence of this action Fraser was obliged to flee the country, and he repaired to the court of St. Germain's, where he obtained the favour and confidence of king James, and he made use of his position to offer to betray the exiled monarch to king William, on condition of receiving a pardon for his previous offences. He accordingly returned to Scotland, and, through the medium of the earl of Argyle received a remission for his treasons, but, finding that a pardon for the rape was not included in it, he repaired again to France. He was there introduced to the French king, and in a private interview,



assured him that if five thousand troops were landed at Dundee and five hundred at Fort William, he could answer for the rising of ten thousand highlanders to join them. Louis was not unwilling to try the experiment, but, as Fraser produced no credentials, the king only gave him a gratuity and sent him to Scotland to sound the highland chiefs and bring him more substantial assurances from them. Fraser seems to have been taken up at once by the exiled queen-dowager, and he carried with him, by way of giving credit to his messenger, a major-general's commission from the pretender; but the body of the Scottish exiles seem to have distrusted him from the first, and they appointed two of their number to go to Scotland, under protection of the indemnity, for the purpose of watching his motions.

Fraser now proceeded to England, where he was met at Newcastle by the earl of Argyle, who conveyed him secretly to Edinburgh, where he again turned traitor, made a full discovery of his designs to the duke of Queensberry, and offered to make him acquainted with the whole correspondence between the pretender and the jacobites in Scotland. To give more weight to his representations, he delivered to Queensberry a letter from the queen-dowager at St. James's, addressed to the marquis of Athol, but couched in very general terms, and, as the superscription was in a different hand, it was believed that the direction to the marquis of Athol was forged by Fraser himself, in order to ruin that nobleman in revenge for his interference to protect the lady Lovat, and for his hindering him, as he supposed, from obtaining a pardon for the rape. Queensberry was at this moment irritated against the jacobites for their desertion, and embarrassed by the bill of security, and, believing that Fraser might be made useful at least against the former, he gave him a pass to enable him to proceed to the highlands for the purpose of obtaining written promises from the chiefs to rise and join the pretender. The chiefs, however, were on their guard, and, having been unsuccessful in his mission, he returned to Edinburgh, at the moment when the commissioner was proroguing the parliament, and Queensberry obtained for him a pass to Holland, from whence he proceeded to France under an engagement to betray the councils of the jacobites there. On his arrival at St. Germain's, he gave a very

exaggerated account of his operations in favour of the pretender; but the reports of the two gentlemen sent to watch him, together with other intimations of his double-dealing, had already reached France, and the falsehood of his statements having been exposed by lord Melfort, he was, at the desire of the pretender's court, committed a close prisoner to the bastille.

Fraser's correspondence with Queensberry had been detected by Ferguson, one of the most cunning of the jacobite plotters, who immediately sent information of it to the marquis of Athol, and he, suspecting that a fictitious plot was being fabricated to ruin him, complained of it to the queen. The duke of Queensberry avowed that a conspiracy did exist, and the alarm thus given, other discoveries were soon made. Sir John Maclean, crossing over from France with his lady in an open boat, was arrested at Folkestone, and carried to London. Maclean at first declared that his intention was only to pass through England to Scotland, to take advantage of the indemnity there, which was probably the truth; but being told that his arrival in England without permission was an act of treason, and that he might obtain his pardon by making important discoveries, he declared all he knew about the designs of the jacobites and the intended insurrection. These informations implicated a man named Keith, whose uncle had accompanied Fraser from France, and who knew all the intrigues of the court of St. Germain's, and he was accordingly placed under arrest; but he maintained that the only design then on foot was to pave the way to the throne for the pretender after the death of the queen. Among others who were placed under arrest was a gentleman named Lindsay, who had been under-secretary to the earl of Melfort, and who also having returned from France to Scotland to take advantage of the indemnity, had come to England thinking himself safe under its shelter. He protested that he knew of no designs against the queen or her government, and that he did not believe that she would ever receive any injury or molestation from the court of St. Germain's. A new subject of dispute now arose. The house of lords, where the influence of the whigs prevailed, took up the question of the conspiracy, which was termed the "Scotch plot," with considerable warmth, appointed a committee to investigate it, and ordered that sir John Maclean should be brought

before them next day for examination. It was intimated that the queen disapproved of the zeal of the lords; and the house of commons, where the tories were strong, and who wished to consider the whole plot as a contrivance of the duke of Queensberry, drew up an address to the queen, in which they complained of the proceedings of the peers as an encroachment upon her prerogative, in taking out of her hands the investigation of the plot. The lords were highly incensed at the conduct of the lower house, and they passed a resolution declaring that, by the known laws and customs of parliament, they had an undoubted right to take examinations of persons charged with criminal matters, whether those persons were or were not in custody. They further resolved, that the address of the commons was unparliamentary, groundless, without precedent, highly injurious to the house of peers, tending to interrupt the good correspondence between the two houses, to create an ill opinion in her majesty of the house of peers, of dangerous consequence to the liberties of the people, the constitution of the kingdom, and the privileges of parliament. They presented a long remonstrance to the queen, justifying their own conduct, explaining the steps they had taken, recriminating upon the commons, and expressing their own zeal and affection for her majesty. The queen merely expressed her concern that any misunderstanding should have arisen between the two houses, and her sense of their affection.

In the midst of these heats, the investigation continued, and at the end of January the earl of Nottingham laid before the house of lords the papers containing all the particulars that had at that time been discovered relating to the conspiracy in Scotland; and, having perused the examinations of the witnesses which were laid before them, without passing any judgment upon them, they thanked her majesty for having communicated these particulars, as well as for her care of the nation. The commons, meanwhile, still irritated against the lords, drew up another address to the queen, in which they renewed their complaints against the conduct of the peers, affirming again that it was without a precedent. The zeal of the lords in prosecuting the examination of the plot was increased by this interference of the commons. Their select committee took the confession of sir John Maclean, who owned that the court of St.

Germain's had listened to Fraser's proposal, that several councils had been held at the pretender's court on the subject of an invasion, and that persons had been sent over to sound some of the nobility in Scotland; but the nature of their private correspondence and negotiation could not be discovered. Keith had tampered with his uncle to disclose the whole secret; but without success; for the uncle stood aloof, and the English ministers did not engage very heartily in the inquiry. The house of lords, therefore, having finished their examinations, voted, that there had been dangerous plots between some persons in Scotland and the courts of France and St. Germain's; and that the encouragement for this plotting arose from the not settling the succession to the crown of Scotland in the house of Hanover. These votes were embodied in an address to the queen, in which the lords promised that, when the succession should be thus settled, they would endeavour to promote the union of the two kingdoms upon just and reasonable terms. They then drew up an answer to the second address of the commons, in which they charged the lower house with want of zeal in the whole progress of this inquiry, produced a great number of precedents to prove that their proceedings had been regular and parliamentary, and charged the commons with partiality and injustice in vacating legal elections. In reply to this remonstrance, the queen assured them that she looked upon any misunderstanding between the two houses as a very great misfortune to the kingdom, and that she should do all in her power to prevent the recurrence of occasions for them in future. The only further proceedings in regard to the plot at this time were the trial and condemnation of David Lindsay, lord Melfort's under-secretary, who was arraigned for high treason in the hope that he would save his life by making important disclosures. Lindsay, however, remained constant to the last; refusing to betray his trust even when the rope was round his neck, and his constancy was a matter of triumph to the whole jacobite party. A reprieve was brought to him on the scaffold, and, after remaining four years in Newgate, he was banished to the continent, where he died in great distress, neglected even by those whom he had risked his life to serve.

The duke of Queensberry now laboured to break the opposition in Scotland, which it appeared less difficult to do, on account



of the discordant parties of which it was composed. He tried to conciliate the tories and episcopals by obtaining a portion of the queen's bounty for their poorer clergy, but the good he intended to do was partly counteracted by the avarice of the titular bishop of Glasgow, who interfered to turn off the money from its right object, and the tory party was not gained over. In the midst of these difficulties, with the strength of the opposition in Scotland evidently unabated, a meeting of the Scottish council was held in London, at which the queen was present, to consult on the best measures to be adopted in the emergency, and various suggestions were made. The earl of Stair proposed that no more parliaments should for the present be held in Scotland, but that an English army should be sent to enforce obedience. So bold a policy, however, found few supporters. On the other hand, it was evident that Queensberry was no longer able to manage the parliament of Scotland; and the total decline of his influence was confirmed by the arrival of a deputation from the duke of Hamilton and the country party, consisting of Rothes, Roxburgh, and Baillie, who were sent to represent the agitated state of the country and the necessity of calling a parliament. It was determined therefore to change the ministry, and a coalition was effected. The duke of Queensberry himself appears to have been willing to retire from his post rather than face another meeting of the estates, and he quitted office with most of his friends. The marquis of Tweeddale was appointed commissioner in his place, and secretary Johnstone was appointed lord-register. Seafield remained in the office of chancellor, and Cromartie acted as sole secretary. Some offices were distributed among the country party, and others were kept open as rewards in prospect for those who should give efficient support in this emergency to the government, who calculated upon obtaining by these means a parliamentary majority. But their opponents were active in organising an opposition; which was strengthened by reports spread on all sides and sedulously repeated, that the new ministry were as much as the former the agents of English influence, though under different names, and that their professions were not to be trusted. Queensberry himself entered into alliance with Hamilton and Athol, and his friends, grieved at the loss of their places, mostly joined the opposition. The circum-

stances under which the parliament met were thus hardly more favourable to the government than on the former occasion.

The session opened on the 6th of July. The main object of the court was to obtain the nomination by the Scottish parliament of the successor to the throne, which was so loudly called for in England, and to procure a supply for the forces, which had been held back in the preceding session. In order to carry the first of these points, the commissioner was authorised to yield to certain limitations on the successor. The queen, in her letter, expressed her concern at the divisions which had risen to such a height as to encourage the enemies of the nation to employ their emissaries in debauching her good subjects from their allegiance. She declared her resolution to grant whatever could in reason be demanded for quieting the minds of the people. She informed them that she had authorised the marquis of Tweeddale to give unquestionable proofs of her determination to maintain the government in church and state as by law established in that kingdom, by consenting to such laws as should be found wanting for the further security of both, and for preventing all encroachments for the future. She earnestly exhorted them to settle the succession in the protestant line, as a measure absolutely necessary for their own peace and happiness, the quiet and security of all her dominions, the reputation of her affairs abroad, and the improvement of the protestant interest through all Europe. She declared further, that she had authorised her commissioner to give the royal assent to whatever could be reasonably demanded, and it was in her power to grant, for securing the sovereignty and liberties of that her ancient kingdom.

The commissioner and the chancellor enlarged upon the topics of the queen's letter, and showed the estates that they had now an opportunity of securing their liberties, and placing every necessary limitation on the crown. But this was not what the jacobites sought. They were willing enough to embarrass the government by joining in the cry for popular measures when they knew that there was no chance of obtaining them, but their real aim was to restore the absolutism of the Stuarts, and they wanted no limitations that would affect them when they came back. It was determined, therefore, to do all that was possible to prevent the nomination of a successor with limita-

tions, and the duke of Hamilton, without previous notice, brought forward a resolution, that the parliament should not name a successor to the crown, until a treaty should have been completed with England for the settlement of trade and commerce. This motion led to a warm debate, in the course of which Fletcher of Saltoun again expatiated upon his favourite theme—the hardships and miseries which the Scots had sustained since the union of the two crowns under one sovereign, and the impossibility of bettering their condition unless they took care to anticipate any design that tended to a continuation of the same calamities. The ministers, taken rather by surprise, met this motion with one which was calculated to divide the opposition. The earl of Rothes moved that the parliament should proceed to make such limitations and conditions of the government as might be judged proper for rectifying the constitution, and for vindicating and securing the sovereignty and independence of the nation, and that afterwards they should take into consideration the other resolution, for a treaty previous to the nomination of a successor. It was hoped that the discussion on this question would give an opportunity for convincing the true patriots of the real object of Hamilton's motion—namely, that it was a mere blind for the sinister designs of the jacobites; but the question of trade was the “bubble” of the hour, and a violent debate ensued, which was only ended by a proposal of sir James Falconer, lord Phisdo. He said “he was glad to see such an emulation in that house upon account of the nation's interest and security,” and suggested “that both the resolutions were so good that it would be a pity to separate them.” Both were, therefore, joined in one, and it was resolved by a large majority that the parliament would not proceed to the nomination of a successor until the previous treaty with England should be discussed; and that it would make the necessary limitations and conditions of government before the successor should be nominated. This result gave so much satisfaction to the populace of Edinburgh, that the opposition were cheered by the mob as they went from the parliament house, and the duke of Hamilton was carried in triumph to Holyrood-house.

The opposition, however, had gained nothing but the delay of a question of national interest, for the very first intimation of a

proposal for nominating commissioners for the treaty was interrupted by the introduction of the irritating subject of the plot. The duke of Athol, who from the use which had been made of his name by Simon Fraser felt personally interested in the question, moved that her majesty should be desired to send down the witnesses and all the papers relating to the conspiracy, that, after due examination, those who were unjustly accused might be vindicated, and the guilty punished according to their demerits. Fletcher of Saltoun, while regretting that the nomination of commissioners for the treaty had been interrupted, said he thought the plot having once been mentioned ought not to be passed over in silence, and that the proceedings of the English house of lords in presuming to judge of what they termed a Scotch conspiracy, were an encroachment upon the freedom of the nation and the greatest step that ever was made towards asserting England's dominion over the crown of Scotland. He proposed as a resolution, “that the house of lords' address to the queen, in relation to the nomination of her successor to the Scottish crown, and their examination of the plot so far as it regarded Scotland and Scottishmen, was an undue intermeddling in their concerns, and an encroachment upon the honour, sovereignty, and independency of the nation; but that the proceedings of the house of commons were like those of good subjects and good neighbours.” The latter clause of this resolution was abandoned, because it was represented as beneath the dignity of a Scottish parliament to return thanks to any foreign legislature for not invading their liberties; but the censure on the English house of lords was adopted. The desire for a petition to the queen to send down the witnesses and papers relating to the plot was met by a declaration on the part of the commissioner that he had already made this request to the queen, but that he had not yet received her answer. He promised, however, to write again. The jacobites pressed this motion, because they hoped to be able to convict the duke of Queensberry of malice and calumny in the prosecution of that affair, and thus revenge themselves upon him for his deserting them in the previous session; but the duke was aware of their design, and he found means to persuade the queen that the communication of these papers would only lead to an inquiry which would protract the session, divert the



parliament from the settlement of the succession, and raise a ferment which might produce the most disastrous consequences.

Other questions were brought forward, some of which tended to create division among the opposition. The earl of Marchmont proposed an act to exclude all popish successors, which was warmly opposed by Hamilton and his party. Another violent debate arose upon the bill of supply. When this act was brought in by the lord justice-clerk, the cavaliers tacked to it great part of the act of security to which the queen's assent had been refused in the previous session. The debates in the house became tumultuous in the extreme, and the same spirit prevailed without, where people's passions had been excited by the cry that their national independence was threatened. The streets were crowded with people of all ranks, exclaiming against English influence, and threatening death to all who advocated measures which seemed to favour a foreign interest. The commissioner found it impossible to stem the torrent, and, with the concurrence of his colleagues in office, he wrote a letter to the queen, representing the critical position of affairs, and advising her to pass the bill with the act of security attached to it. The queen, acting by the advice of her English minister Godolphin, sent back the necessary authority, and the commissioner passed the bill.

Several attempts were made in the course of the session for nominating the commissioners for treating on the subject of trade, but they were rendered futile by divisions which had now arisen among the opposition, who could not agree upon the names of the commissioners. The duke of Hamilton had fallen under the suspicion of the jacobites, who accused him publicly of seeking the crown for himself, and of secretly counteracting their measures for the restoration of the Stuarts. The parliament next fell upon the subject of the public accounts, which were examined with the utmost minuteness, and various defalcations were pointed out, and some of the defaulters punished. At length the estates entered again upon the plot, and were proceeding to some strong resolutions against the English house of lords, when, on the 28th of August, the commissioner found it necessary to put an end to the session.

The act of security was transmitted to England, where copies of it soon getting abroad, it was seized upon with avidity by

the Tories as a ground for attacking the ministers, and the people of England, who had almost forgotten Scotland in the contemplation of Marlborough's victories on the continent, were suddenly excited to an extraordinary degree by the imaginary dangers with which they were threatened on the side of Scotland. It was openly declared that the two kingdoms were now separated by law, so as never to be reunited. Reports were spread that great quantities of arms had been conveyed to Scotland, and that the natives of that kingdom were employed in preparations for the invasion of England. When the English parliament assembled at the end of October, the affairs of Scotland were among the first subjects brought under discussion. Lord Haversham introduced it into the house of lords in a set speech, in which he observed that the settlement of the succession in Scotland had been postponed, partly because the ministry for that country was weak and divided, and partly from a received opinion that the succession was never sincerely and cordially intended by those who managed the affairs of Scotland in the cabinet council. He expatiated on the bad consequences that might attend the act of security, which he termed a bill of exclusion; and particularly pointed out that clause by which the heritors and boroughs were ordained to exercise their fencible men every month. He said the nobility and gentry of Scotland were as learned and brave as any nation in Europe, and generally discontented; that the common people were very numerous, very stout, and very poor; and he asked who was the man that could tell what such a multitude, so armed and so disciplined, might do under such leaders, should opportunities suit their intention. He recommended these circumstances to the consideration of the house, concluding his address with the words of Bacon, "Let men beware how they neglect or suffer matter of troubles to be prepared; for no man can forbid the sparks that may set all on fire." The subject was adjourned to the 29th of November, when the queen attended the house in person, in the hope it was understood of moderating the warmth of the debate by her presence. After much declamation on the act of security, it was resolved, that the queen should be enabled by act of parliament, on the part of England, to name commissioners to treat about a union with Scotland, provided that the

parliament of Scotland should first appoint commissioners on their part for the same purpose; that no Scotchmen, except such as were settled in England, Ireland, or the plantations, and such as were or might be in the sea or land service, should enjoy the privileges of Englishmen, until a union could be effected, or the succession settled as in England; that the traffic in cattle from Scotland and England should be prevented; that the lord admiral should issue orders for taking such vessels as should be found trading from Scotland to France, or to the ports of any of her majesty's enemies; and that care should be taken to prevent the exportation of English wool into Scotland. A bill for an entire union was formed on these resolutions, and passed the house on the 20th of December. The lords now presented an address to the queen, informing her that they had duly weighed the dangerous and pernicious effects likely to be produced by divers acts of parliament lately passed in Scotland: that they were of opinion that the safety of the kingdom required that speedy and effectual orders should be given to put Newcastle in a posture of defence, to secure the port of Tynemouth, and repair the fortifications of Hull and Carlisle. They likewise recommended her majesty to give directions for disciplining the militia of the four northern counties; for providing them with arms and ammunition; for maintaining a competent number of regular troops on the northern borders of England, as well as in the north of Ireland; and for putting the laws in execution against papists. The queen promised that a survey should be made of the places they had mentioned, and laid before the parliament; and that she would give the necessary directions upon the other articles of the address. The commons, on their part, resolved, that a bill should be brought in for the effectual securing the kingdom of England from the apparent dangers that might arise from several acts lately passed in the parliament of Scotland; and the bill sent down by the lords was thrice read, and ordered to lie upon the table; but they passed their own, to take effect at Christmas, provided before that the Scots should not settle the succession.

These proceedings of the English parliament were, as might be expected, highly resented in Scotland, and the popular irritation between the two nations had risen to an alarming height, when an unlucky accident came to give it still greater excitement.

A bitter feeling of hostility had existed between the Scots and the English East India company, ever since the affair of the Darien colony. At this conjuncture, an English ship called the *Worcester*, commanded by captain Thomas Green, and homeward-bound from the East Indies, was compelled by contrary winds or some other cause to put into Scotland. The Scottish African company, having had a ship formerly seized by the English East India company as she was fitting out in the river of Thames, and having in vain solicited restitution, now obtained of their government a warrant to seize and stop this ship by way of reprisal; and accordingly, the ship was seized and brought into Burntisland. During the time it remained there, some of the ship's crew, either in their drink, or otherwise, let fall some words, implying that they had committed acts of piracy accompanied with deeds of blood. This led to further inquiries, and the result was a plain and particular information, that this captain Green, with this ship *Worcester*, meeting with a Scots ship commanded by one captain Drummond in the East Indies, had taken and plundered the ship, and murdered Drummond and all his crew. Green and thirteen sailors were now arrested and brought to trial. The positive evidence consisted only of one negro, but the circumstantial and corroborative evidence was so strong, that they were, upon a long hearing, severally found guilty of piracy and murder. The circumstances of Green and his crew were so singular—their being driven into Scotland, where they had no manner of business; their being seized by the company, the men's falling out among themselves, and being the open instruments of detecting their own doings—their staying there when they might have gone, and had no more business there, on account of which some alleged they had no power to depart;—these, and more concurring circumstances, which became an object of general conversation, led people to think that there was a wonderful and invisible hand in the affair, directing and pointing out the detecting some horrible crime, which divine vengeance suffered not to go unpunished. On their being found guilty, the murderers were not immediately executed, but in consequence of applications from England, the council of Scotland reprieved them for some days; and as some people began even to object, that the evidence was too slight, there being



but one witness to matter of fact, and that but a negro, who was not capable of the impressions of the solemnity of an oath, and there was malice in it, and the like. On these, and on other considerations, the government was so tender of the blood of the men, that it is doubtful if any of them would have undergone capital punishment, but for the rage of the common people, who, hearing that they were further to be reprimed, assembled in an unusual multitude on the day appointed for their execution, crying out for justice.

When that day came, the privy council met, and the magistrates of Edinburgh were called to assist, while the point was debated, whether the condemned persons should be executed or not? The discontent of the common people was very well known; and information had been received that a vast concourse was gathered at that instant in the Parliament-cloze, at the cross, at the prison, and throughout the whole city; that they publicly threatened the magistrates, and even the council itself, in case the prisoners were not brought out that day; and some talked of pulling down the tollbooth, and executing summary justice on them. It was, however, determined by the council, that three of them—captain Green, John Mather, and James Simpson—who were considered to be principals in the murder, should be put to death that day. When the magistrates came out, they assured the people that the murderers were ordered to be executed, and that if they would have patience, they would see them brought out. This pacified the mob for a moment. But soon afterwards, the council breaking up, the lord chancellor came out, and driving down the street in his coach, as he passed by the cross, somebody said aloud, "The magistrates had but cheated them, and that the council had reprimed the criminals." This was repeated from mouth to mouth, and spread in a moment among the populace, who ran in a fury down the street, stopped the chancellor's coach just at the Trone church, broke the glasses, abused his servants, and forced him out of it. Some friends that were concerned for the hazard he was in, got him into a house, so that he had no personal hurt. It was in vain for

his lordship to protest to them that the men were ordered to be executed; they were then too much excited to listen to reason, and the whole town was in an uproar, and the mob not only of the city, but even from all the adjacent country, was come together. As nothing but the blood of the prisoners could appease them, it was thought necessary to yield, and at last the prisoners were brought out, and led through the streets down to Leith, the place of execution being by the laws appointed there for crimes committed upon the sea. The fury and rage of the people, however, was such as cannot be expressed; and as their victims were dragged along to the place of execution, they were exposed to every sort of insult, taunt, and reviling. They were at last brought to the gibbet, erected at the sea-mark, and there hanged. Strange to say, no sooner was the sacrifice made, and the men dead, but even the same rabble (so fickle is the multitude) exclaimed at their own madness, and openly regretted what they had done, and were ready to tear one another to pieces for the excess. In the whole of this process, all things had been carried on by legal methods, process, and trial, according to the form of law, and usage of Scotland; yet it was made the subject of a new and most violent irritation between the two countries. In Scotland, people said that the court of England wished to protect them, and that they would be pardoned, only because they were Scotsmen that were murdered; with other like imputations. On the other side, in England, it was said, the rabble had cried out to hang them, merely because they were Englishmen; that they had said, they wished they could hang the whole nation so, and that they insulted them, as they went to execution, with the name of English dogs. Mischievous persons laboured to exasperate the common people on both sides, and to fill them with irreconcilable aversions to each other; and we are assured that if in England it had gone a little higher, it would not have been safe for a Scotsman to have walked the streets. This irritation was kept up and increased by numerous handbills and pamphlets, on both sides, filled with the bitterest invective, and strongly tending to alienate the two nations.

### CHAPTER XIII.

PARLIAMENT OF 1705; APPOINTMENT OF COMMISSIONERS TO TREAT OF A UNION; THEIR DELIBERATIONS;  
THE TREATY CONCLUDED.

THIS unexpected political irritation rendered the existing ministry unpopular, and a change was again found necessary. Tweeddale and his friends were dismissed, to make room for the return of the duke of Queensberry to power, who was made lord privy seal. It was on this occasion that a young statesman was brought upon the stage, who was destined to play an active and distinguished part in subsequent events. Archibald duke of Argyle died on the 28th of September, 1703, and was succeeded in his estates and titles by his eldest son John. This young nobleman, though at this time only twenty-seven years of age, was already distinguished by those great qualities both as a warrior and a statesman which eventually procured him the popular title of the great duke of Argyle. He was especially the favourite of the puritans, and as he had not yet mixed much in the party animosities of the day, he was disliked by no party but that of the rank jacobites, who were aware of his hereditary hatred to the Stuarts. As, therefore, the person most likely to command general respect, he was chosen to represent the queen in the session of parliament which was now about to open. He was instructed to procure an act of the Scottish parliament, settling the protestant succession, or to set on foot a treaty for the union of the two kingdoms. At the opening of the session in June, the members were divided into three parties—the cavaliers or jacobites, the revolutioners, and the *squadron volante* (as it was called), or flying squadron, headed by the marquis of Tweeddale, who disclaimed the other factions, and pretended to act only from the dictates of conscience. The parliament was adjourned to the 3rd of July, when the queen's letter was read, earnestly recommending the settlement of the succession in the protestant line, and an act for a commission to treat of a union between the two kingdoms. Argyle's speech, in recommending the subject of the letter to parliament, was remarkable for its terseness and elegance. He said—"My lords and gentlemen,—Her majesty has, in her most gracious letter, expressed so much tenderness and affection towards this nation,

in assuring you that she will maintain the government as established by law both in church and state, and acquainting you that she has been pleased to give me full power to pass such acts as may be for the good of the nation, that were it not purely to comply with custom, I might be silent. Her majesty has had under her consideration the present circumstances of this kingdom, and out of her extreme concern for its welfare, has been graciously pleased to recommend to you two expedients, to prevent the ruin which does but too plainly threaten us. In the first place, your settling the succession in the protestant line, as what is absolutely and immediately necessary to secure our peace, and cool those heats which have with great industry, and too much success, been fomented among us, and effectually disappoint the designs of all our enemies. In the second place, treating with England, which you yourselves have shown so great an inclination for, that it is not to be supposed it can meet with any opposition. The small part of our funds which were appropriated at our last meeting for the army are now at an end. I believe everybody is satisfied how great use our frigates have been to our trade, and it is fit to acquaint you that our forts are ruinous, and our magazines empty; therefore, I do not suppose but your wisdom will direct you to provide suitable supplies. My lords and gentlemen, I am most sensible of the difficulties that attend this post, and the loss I am at by my want of experience in affairs; but I shall endeavour to make it up by my zeal and firmness in serving her majesty, and the great regard I shall have for whatever may be for the good of my country." The marquis of Annandale proposed that the parliament should at once proceed to the consideration of limitations and conditions of government; and that a committee should be appointed to inquire into the condition of the coin and into the commerce of the nation. The earl of Mar moved, that the house would, preferable to all other business, consider the means for engaging in a treaty with England. After a long debate they resolved to proceed on the coin



and the commerce. Schemes for supplying the nation with money by a paper credit were presented by doctor Hugh Chamberlayne and John Law, but rejected. The house resolved, that any kind of paper credit, by the circulation of bills, was an improper and dangerous expedient; and appointed a council to put the laws relating to trade in execution. The duke of Hamilton proposed that the parliament should not proceed to the nomination of a successor, until the treaty with England should be discussed, and the limitations settled. This proposal being approved, a draft of an answer to her majesty's letter was presented by the marquis of Tweeddale; in which the estates pledged themselves to choose the same successor with England, provided the limitations were granted. The squadrone (as it was called) was left on this occasion to vote by itself, for the jacobites, who were opposed to all restrictions whatever on the power of the crown, would not join with them in the opposition. Two different forms of an act for a treaty with England were offered by the earl of Mar and the marquis of Lothian: others were produced concerning the elections of officers of state, and the regulation of commerce.

The grand object of the cavaliers was now to obstruct the settlement of the succession; and with that view they pressed the project of limitations, to which they knew the court would never assent, or, if this measure passed, they were willing, should the house of Hanover be established, to load the crown with as many restrictions and difficulties as possible. On the motion for the first reading of an act of commission for a treaty with England, the duke of Hamilton insisted on the limitations, and a vote being stated in these terms, "Proceed to consider the act for a treaty of limitation," it was carried in favour of the cavaliers. On the 22nd of August, an act for this purpose was approved; and next day an act for a triennial parliament, which the courtiers were enabled to defeat. An act was likewise passed, ordaining, that the Scottish ambassadors representing Scotland, should be present when the sovereign might have occasion to treat with foreign princes and states, and be accountable to the parliament of Scotland.

Fletcher of Saltoun was, as usual, active in urging restrictions upon the crown, based upon the circumstance of the king being monarch of another kingdom and residing

out of Scotland, but which would have had the effect of making Scotland virtually a republic. He proposed that there should be annual parliaments, which were to sit and adjourn at pleasure, to choose their own presidents, and to vote by ballot; that for every nobleman created by the king, a new commissioner should be added for the barons, which would entirely neutralise the influence of the crown in parliament; that the king should ratify every act passed by parliament, without hesitation, as a matter of course; that he should not have the power of peace or war without the consent of parliament; and that it should not be in his power to give any general indemnity to his ministers without the sanction of parliament. He proposed to exclude the judges from seats in parliament, and to arm and train the people as a constitutional force to act under the orders of the estates. In the course of one of his usual eloquent addresses, he enlarged upon every article, endeavouring to prove that they were all absolutely necessary to prevent the consequences of English influence; to enable the nation to defend its rights and liberties; to deter ministers of state from giving bad advice to their sovereign; to preserve the courts of judicature from corruption, and screen the people from tyranny and oppression. The earl of Stair argued against these limitations, to which Fletcher replied, with bitter sarcasm: "It was no wonder he opposed the scheme; for, had such an act subsisted, his lordship would have been hanged for the bad counsel he had given to king James, for the concern he had in the massacre of Glencoe, and for his conduct since the revolution." The next subject on which the parliament deliberated was the conspiracy. A motion being made that the house might be informed what answer the queen had returned to their address in the last session, the chancellor delivered to the clerk-register the papers relating to the plot, that they might be perused by the members; but these being copies, and the evidences remaining at London, no further progress was made in the affair. Yet the duke of Athol, in a distinct narrative, boldly accused the duke of Queensberry of having endeavoured to mislead the queen by false insinuations against her good subjects.

One of the most important measures brought forward in this session was the act for a treaty of union between the two coun-

tries. A draft for that purpose, presented by the earl of Mar, was compared with the English act, importing that the queen should name and appoint not only the commissioners for England, but likewise those for Scotland. Fletcher inveighed with earnestness against the imperious conduct of the English parliament in this affair. He exhorted the house to resent such treatment, and offered the draft of an address to her majesty on the subject; but this was rejected. Hamilton proposed that a clause might be added to the act, importing that the union should not derogate from any fundamental laws, ancient privileges, offices, rights, liberties, and dignities of the Scottish nation. This occasioned a long debate; and the question being put, was negatived. The ministerial party were obliged to oppose Hamilton's motion with evasive arguments; they urged that, as Scotland and England were under the same sovereign, who acted as mediator between them, and as the English parliament had given the most ample powers to their commissioners, a contrary proceeding on the part of the Scots would betray an unbecoming jealousy of the queen, and might altogether prevent the treaty. Moreover, whatever powers the commissioners had, or by whomsoever appointed, whatever they agreed upon was subject to the approbation of parliament. The opposition, who dared not avow that their real object was to obstruct and if possible prevent a union, were obliged also to have recourse to much special pleading in support of their arguments. They, however, made certain of a majority, which would have been a severe defeat to the government; but they were deserted by the earl of Aberdeen, and the absence of some of the jacobites, who were too confident of a large majority, led to their defeat. Another clause was proposed by the duke of Athol, that the Scottish commissioners should not begin to treat until the English parliament had rescinded their clause, enacting, that the subjects of Scotland should be adjudged and taken as aliens after the 25th day of December. The courtiers, considering the temper of the house, would not venture to oppose this motion directly, but proposed that the clause should be formed into a separate act; and this was agreed to. Though the duke of Athol entered a vigorous protest, to which the greater part of the cavaliers and all the squadrons adhered—comprehending four-and-twenty peers, seven-and-thirty barons,

and eighteen boroughs—the act for the treaty of union was, after much altercation, finished, empowering commissioners to meet and treat of a union; but restraining them from treating of any alterations of the church government as by law established. Whilst this important subject was under consideration, the duke of Hamilton, to the astonishment of his whole party, moved that the nomination of the commissioners should be left to the queen. Fourteen or fifteen of the cavaliers ran out of the house in a transport of indignation, exclaiming that they were deserted and basely betrayed by the duke of Hamilton. A very hot debate ensued, in the course of which the duke was severely attacked by those whose leader he had hitherto been; but at length, the question being put—whether the nomination should be left to the queen or to the parliament?—the duke's motion was carried by a very small majority. He afterwards excused himself for his defection, by saying, he saw it was in vain to contend; and that since the court had acquired a great majority, he thought he might be allowed to pay that compliment to his sovereign. This important act having thus been obtained, and a liberal supply granted, the duke of Argyle prorogued the parliament on the 21st of September.

After the close of the session, some slight changes were found necessary in the Scottish ministry. The earl of Annandale, who was suspected of secretly corresponding with the opposition, was dismissed from the office of secretary, which was bestowed upon the earl of Mar. The principal members of the government now hastened to London, where the conferences on the all-important measure of the union were to be held. There a ministerial revolution had also taken place, and all the power was now in the hands of the whigs, who were the grand promoters of this measure. Before we proceed to give an account of the conferences which followed, it may be well to take a glance at the feelings of the time in regard to the policy of the measure; and this can hardly be done better than in the words of its contemporary historian, Defoe, who has left us the following summary:—

"And here," he remarks, "it is necessary to observe, how well the ground-plot of this work was laid, that all obstacles might be removed which might threaten it with another abortion. It had been noted, that the most dangerous rock of difference on



which this union could split, and which could now render it ineffectual, was that of religion: here it was certain they could never unite, and the breach therefore being irreconcilable, the best course that could be taken with it, was to let it quite alone, as a thing neither side should meddle with at all, and consequently the jealousies and suspicions on both sides must vanish, and the great obstructions which the enemies of the treaty relied on for its miscarriage were at once removed. This was a masterpiece of policy, and showed that her majesty had other persons to consult with, and had taken other measures than before; and gave people very early impressions of the success which has since appeared. But there was yet some political difficulty to pass; and here, being to tread truth almost on the heels, those readers that are willing to have it told plainest must excuse me for naming people's names. I have avoided, on all occasions, the mixing satire and reflection in this relation as much as possible. The political difficulties I speak of here, and which I think gave the greatest shock to this affair, consist of two parts,—1. Succession; 2. Nobility.

"The vehemence with which the several parties who managed these topics acted their respective and exceedingly remote prospects, and by what strange mystery concurring providence, like the wheel within all their wheels, centred them all, in uniting the nations, as it is a secret history few understood, and may be as necessary as diverting, so the heads of it may be viewed in the following scheme:—1. The succession being the main thing that lay at the bottom of every one's project, I shall first speak to the particulars of that. There was a party in both kingdoms, but most powerful in Scotland, whose design was principally and directly against the protestant succession, as such; these we must allow to be setting every wheel at work, and acting with all their power and policy against everything which looked that way. When they saw it convenient, they acted against a union in its general term, and frequently some of the less politic of that party let fall the excessiveness of their principles in direct terms, and pamphlets were written upon that scheme; such as one showing the necessities of a war with England, &c., another showing the advantages of a union with other nations, and France in particular; others argued continually the mighty terms, and the ad-

vantages of commerce, Scotland might obtain from France; and not only proposed them as equivalent to the trade with England, but run on to such weak extremes, as to say that Scotland made no advantage of her commerce with England.

"But these may well be said to be the less politic part of these gentlemen, who were in the design above; for they lost ground, even against the union itself, by it; and when the committee of parliament appointed to examine the exports and imports, reported that Scotland exported to England above two hundred thousand pounds sterling per annum in linen, cattle, &c., the imports from thence appeared so small, that the objectors dropped their arguments upon that head, and learned to talk with more caution. But the more subtle managers of this design against the succession, went on by different measures, and with great policy they acted every party, as far as they thought they could be brought in to be subservient to their design. Thus first seeming to quit their direct opposition to the succession, as a thing too open and too much clashing with the temper of the time, they fall in with that party who were for the succession with limitations; not that they would have concurred with the event, had these limitations been never so great, but that, in their debating the limitations, they might find room to clog the succession itself in such manner as the other party could by no means accept of it.

"From the same principle proceeded that famous resolve in their act of security, by which the succession met with two invincible obstacles, from whence they knew, some time or other, new disputes must arise—1. That no successor at all should be named till after the queen. 2. That when it was named, it should be with this limitation—that it should not be the same that should succeed to the kingdom of England. This was a masterpiece of policy, and had the most specious pretence in the world, viz., the hardships which Scotland had suffered under the influence of England in matters of commerce and sovereignty; and therefore it was added immediately upon the said clause, 'Unless that in this present session of parliament, or any other session of this or any ensuing parliament, there be such conditions of government settled and enacted, as may secure the honour and sovereignty of this crown and kingdom; the freedom, frequency, and power of parlia-

ment; the religion, liberty, and trade of the nation, from English or any foreign influence.' The running things to this height in Scotland, put every party's measures to a full stop; the gentlemen who were against the succession in general, and of whom I am now treating, had most effectually carried their point; for as they presumed England could never come in to such a treaty as they demanded, so they had effectually foreclosed the succession of Hanover, by determining that the successor of England and Scotland should not be the same. And it is remarkable to note here, how universally all those gentlemen, whose aim was against the succession, fell in with those whose design was only to have advantageous terms from England for it. But this very point gained, brought about the main work; and the contraries that concurred in this act, though from clashing interests, by the strange circulation of causes, worked all together into another extreme, which none of them designed—and that was the union.

"Upon the passing the act of security, England grew very uneasy; and not to mention the common apprehensions of the people, nor how and by whom they were increased and fomented, the act of parliament passed, intituled, 'An act to prevent the dangers arising from the act of security in Scotland,' &c., is a demonstration of what the tendency of these things would be; for this act brought both nations under the necessity of a war by the Christmas following; the English being then obliged to fit out a fleet to interrupt the Scots commerce, if their act of security was not repealed. Things being brought to this extremity, the only remedy that those who wished well to both nations could contrive, was to revive a treaty of union, and set heartily about it; and the first step the queen took towards it, was to propose it to the Scots parliament, who voted,—that they could enter into no treaty of union, till that act of parliament mentioned above was repealed in England. Though this was a very bold resolve, yet the queen, who saw some reasonableness in it, managed things with so much wisdom and moderation, and the parliament, who saw with different eyes from the other, and was of quite a different temper, found something so severe and so hard upon Scotland in that act of parliament, that they made no difficulty to make that step in advance to Scotland. Upon this foot turned the first appearance of the union; now let us see

how the parties managed themselves on all sides.

"The inclination on both sides to a union, however afterwards managed, seemed so universal, that the party I am speaking of, thought it was not proper to appear against it directly; but acting still under disguise, they puzzled the cause, first, with the wild debate of a federal union, or a union partial and imperfect; and thus they fell in with the party who were for the union, not that they had the union in their design, but because they thought the thing impracticable in itself, that it would make the people sceptic in government, and that so it would certainly miscarry, and the succession would be lost that way. Accordingly the limitations were by secret influence opposed, and the scheme of succession laid aside to go upon the chimera of a union, as they thought it to be; and I could be very merry with some gentlemen here, upon the banter and jests they always treated the scheme of a union with, as a thing they little thought would ever be licked into any shape, or ever obtain upon the nations to pass into a law. Thus I have brought the remotest party, who were downright enemies of the union, to fall into it; from whence, let their design be what it will, I must tell them, they did it this service—that it made the union very popular, however it came to be otherwise afterward.

"I come next to the difficulty about nobility; and this worked into a union, by, as it were, a natural consequence; for the ancient nobility finding their sway with the people lessened, and their power, as well as their honour, eclipsed by the crown daily creating numbers of what they called upstart lords, were easily engaged in limitations to prevent their future monarch's increasing the numbers of their rank, to the diminution, as they took it, of the ancient families. But when they came to consider the scheme of distinction made for the representing the nobility in a British parliament, they were the more easily brought into the union, as an effectual step to prevent the reducing their honour, by multiplying their numbers, and as a thing which would seem to distinguish them from such of the modern nobility, which they reckoned already a burthen to them.

"Next, among the whig interest, and who were really honest in their designs for the general good, were yet two parties. One party, without reflection on any, had taken



a just umbrage at the growing power of a certain great man; and as they had reason to ward off personal resentments, in case their figure was diminished, and having their true interest in view, together with the public good, esteemed it their good fortune to have them both stand upon one bottom; and these gentlemen came heartily and honestly into the measures of the union. Another party were for the succession limited, &c., but not for the union; these brought the former first to them, thinking they would rather be for the succession, and lay by the thoughts of the union; but finding them entirely for the union, they fell in together. The view of the court in England was plain, viz., for the succession at any rate; and therefore, till this juncture, they had espoused that party in Scotland who were for the succession, though with limitations; and this the more easily brought those gentlemen into the union, since there they secured the succession, and had the English limitations confirmed, which they knew and acknowledged were better than their own. Thus the two whig parties joined, and the duke of Queensberry, who had, in concert with her majesty and the English court, removed all the seeming difficulties on the part of Scotland, appearing publicly for it, the union, as I have already noted, grew very popular; the court and the whig lords concurred in the general good, the jacobite interest was abandoned, and the union grew up between all the extremes as a consequence; and it was merely formed by the nature of things, rather than by the designs of the parties.

"Things being brought to this pass, the acts of parliament passed, and the queen empowered to name commissioners, I shall pursue the proceedings in order as they lie before me, and make the needful observations as I go. They that had so wisely contrived the beginning of this work, could not be at a loss to find out proper persons for the managing the treaty in both kingdoms, and therefore it was not long before her majesty named the commissioners for both kingdoms, whose names we shall presently come to. I shall not descend to encomiums on the persons of the treaters; for I am not about to write panegyrics here, but an impartial and unbiassed history of fact. But since the gentlemen have been ill-treated, especially in Scotland, upon this very head, charged with strange things, and exposed in print by some who had nothing but their

aversion to the treaty to move them to maltreat them, I must be allowed on all occasions to do them justice in the process of this story. And as I must own, that, generally speaking, they were persons of the greatest probity, the best characters, and the steadiest adherence to the true interest of their country, so their abilities will appear in every step taken in so great a work, the bringing it to so short a conclusion, and that in so little time, the reducing it to so concise a form, and so fixing it, that when all the obstruction imaginable was made to it afterwards in the parliament of Scotland, the mountains of objection which at first amused the world, proved such mole-hills, were so easily removed, raised so much noise, and amounted to so little in substance, that after all was granted that in reason could be demanded, the amendments were so few, and of so little weight, that there was not one thing material enough to obtain a negative in the English parliament.

"I cannot but observe here, that even those amendments were not made by reason of any omission in the treaters; but the parliament found the opposing party to the succession had two handles to lay hold on in Scotland, and therefore in prudence gave way to such amendments as they had the least reason to justify. These two heads, which I call handles against the succession, were—1. Strength of party, by which they hoped to carry it at once, and throw out the treaty *brevi manu*; and this they endeavoured to form upon a general dislike, they having blackened it with the mark of a thing dishonourable to the sovereignty and the independence of the nation. 2. If they found that would not do, then to load it with such ridiculous amendments, as they knew would cause it to miscarry in the English parliament, which they also thought would give Scotland great advantage, and increase the animosities in Scotland against the English, when the rupture should appear to be from England, and the most reasonable concessions of Scotland be rejected by them. But both these projects failed them; the first was effectually answered by the nature of the thing, and their strength failing them, they found they had cast up their account false, their motion being thrown out by a great majority in voting the first article, as will appear presently. The second, when they came to examine particulars, had not sufficient strength of reason to support it; all the amendments

they could pretend to were so small, that, as above, the parliament of England never thought it worth their while to dispute them; and the treaters themselves, for the most part, went into those amendments as they were offered.

"Indeed, this was a disappointment to some people, who made no question, at least, to puzzle the cause, and raise such difficulties as should require a remitting the treaty back to Scotland; and so spin it out in length, that the nations might have leisure to form the separate parties into some order, and raising their friends on both sides, if possible, bring it to a breach. And that I do not pass an unjust censure, I refer the reader, among infinite pamphlets published against this affair, to one very plain and barefaced author mentioned before, intitled, *The Necessity of a War with England, in order to cure the present Distempers of the Times*. I should do the fomenters of the nation's divisions too much credit to trouble the reader of this with any of their printed oratory against this union, much less enter into any disquisitions upon the subject of their clamours; but I may, perhaps, touch upon the principal heads of their objections, and let the world know also who were some of the objectors.

"When the acts were thus passed, and her majesty had named commissioners on both sides, and the work seemed to be going about in earnest, the learned scribblers of the age began to harass the world with their schemes, and all the mountebank statesmen of the times set to work to propose their wondrous methods for curing this ancient distemper of the nations, and striving to have it said of themselves, who was forwardest in the great work. The industry they discovered, had in nothing a greater concurrence than in this—that the whole crowd of writers, with an universal agreement, had the honour to be entirely mistaken, and not one of them had eyes to see to the true interest of the nations; every man, as in such cases is usual, eyed the respective interests or advantages, as he thought, of the nation to which he belonged, and set himself to work to answer the objections of the other; defending, arguing, and fatiguing their own heads and their readers with the confused labyrinths of their own projects; but not once touching the true string which, with a national union, would have immediately sounded out the harmony of general peace. Nor

am I at all arrogant in saying, they were all so generally mistaken in their notions of what this union should be, since, as I have said, every one fell to arguing the single and separate advantages of the nation they belonged to; insisting on their politic notions and wise schemes for their respective advantages; but not one that I met with ever entered into the true and only notion essential to the union—I mean the principle of self-denial, how far either nation was to condescend and advance to one another, how the present union consisted, not in gaining advantages on either hand of one and other, but in abatements, in giving each other advantages, in yielding up privileges, opening the treasures and strength of either nation to the good and benefit of the whole. They never dreamed that to unite was, in itself, a full and a general retribution for every step taken from one side to the other; that a new national interest was to be erected; and that giving or conceding rights, advantages, and interests, whether in commerce or in privileges, was losing nothing at all, but was like a man giving presents to a lady whom he designs to make his wife, which is but taking his money out of one pocket and putting it into another, or like a man settling his estate in jointure on his wife, which is still his own, and is effectually secured for his posterity.

"The gentlemen must pardon me if I tell them, that for want of this true and original notion of union, they took but too much pains to inform us all, they had neither the spirit of union in their minds nor the knowledge of it in their heads, and this run them upon wild dilemmas and dark schemes of federations and confederations; this sent them to Belgia, Helvetia, Polonia, and I know not whither, for examples, for schemes, precedents, and I know not what strange systems of national unions, all which, I must take the liberty to say, were as wide from the only step that could make these nations happy, as the east is from the west, tended to nothing but confusion of interests, national jealousies, and in the end war and destruction. These gentlemen were for making bargains between the nations, not for bringing two great and mighty kingdoms into one vast united body—the same in interest, the same in prospect, the same in every substantial constituting part. The advocates of either people talked like counsellors pleading for their clients, not like two friends that were striving who should



part with most, for the interest and engagement of the love of each other.

“In short, the union has been brought to pass, not by gaining from, but by yielding to one another; not by making conditions and advantages of one another, but by conceding to one another: one part opens the treasures of their trade, the other struggles to bear their share of the weight and burden of expensive and bloody wars; this part yields up one thing, that abates another, and mutual condescensions, not mutual encroachments, have brought this work to pass. And here lies the great mystery of the union; they that think strange of the circumlocutions the wisest heads have taken, may find them here; they that enquire into the reasons of former miscarriages, may find them all here. If there was any want of temper, any mutual distrusts, any secret murmurs of parties, any jealousies of consequences, it was all to be found here; that the people who debated these points never looked beyond the present state, never considered the conjunct capacity of the nations, never drew the balance of interests, or stated the affairs of both nations into one account current. Had they ever done this, they would have seen that monster (as they called the union) a most beautiful creature, admirable in its contexture, agreeable in its figure, squared like a most exquisite piece of architecture, both for ornament, strength, and usefulness; they would have seen it a complete circle, all the lines of which were drawn from and depended upon one general centre—the public good;—a mighty arch, every stone of which mutually contributed, not to its private support only, but to the strength of the whole. Here is the true original of the union, and the wisdom of the treaters on both sides was in nothing more conspicuous than that they came to this treaty furnished with the true notions of what they were to do, and, consequently, the properest and only method for the doing it could not be concealed from them; and we cannot but observe, that, through all the course of the treaty, the gentlemen kept themselves close to this principle—to yield to one another in everything which the nature of the union they aimed at required, and the nature of the thing before them would possibly permit.

“I must confess, to me, all the notions of federal unions, guarantees, and everlasting peace, which our several writers filled our heads with while the treaty was appointed, but not yet begun, appeared to me as imper-

fect embryos, false conceptions, and births that must end in abortions and disappointments. I will not say I had foresight of events enough to prescribe what methods should be taken, or what issue would be produced from the treaty then in view; but this I took the freedom always to tell the world—that it must be a general, complete, entire, and indissoluble union of interests and parties, depending upon equalities of privileges, and equalities of burdens; equalities of prospects, and equalities (if possible) in desires; or that it would be imperfect in its parts, and confused in its whole.

“I know one reason why this sort of union was less thought on than perhaps it would have been, was because the gentlemen, when they came to examine what had ever been attempted this way, found nothing of a full and entire union but that under the conquest of the parliament times;—and, alas! says one, this must be rendered so odious, because it was the work of a tyrant, an usurper, and what not, that nobody could bear to recommend it; and if at any time a man was driven by the necessity of his judgment, the convictions of his reason, and the consequences of argument, to come to the borders of that scheme, he would start at the hint as if it had been a specter, and fly even from his own reason, because it concurred with what was lit upon by the man and the people he did not approve. And why will you go by Whitehall, gentlemen, where so many wicked rebels triumphed over their monarch? Why will you use the navy, nay, some of the very ships, with which the same Oliver Cromwell beat your neighbours? If Oliver had not been a master of politics, he had never been Oliver Cromwell in the terms we are now talking of him; and because he hit upon the only step that could be taken to fix the union of the two nations, must we reject it, and rather destroy the kingdoms, than close with his unhallowed method? Reason and the nature of things guide all men, whose eyes are open, to the same methods, when they are pursuing the same designs. Let Oliver Cromwell be what he will, and who he will, it is no part of my business here: take him in all the blackest figures he can be represented;—what was the end he pursued in his uniting Scotland to England? It was so to join them, that both parties being made entirely easy, might, without hesitation, submit themselves to his otherwise precarious authority. And was he right in

this—that, to give the two nations a free and full communication both of trade, privileges, and advantages, was the true and only way to make all people easy? So far his project may be good for us, without so much as touching upon the parallel. The business of the union was to make the nations easy, to put them in a state of mutual advantage; if forty tyrants have pursued the method for it, though with wicked designs, it was for us to take the method, and mend the design as much as we could. Oliver Cromwell made a conquest of Scotland;—well, and what then? Let those people who have talked so much of a union of subjection, and conquering Scotland, go back thither for a precedent. Oliver Cromwell knew as well what belonged to conquest as anybody in this age will pretend to; nor was he less politic in keeping, than terrible in obtaining; and what did he resolve all his northern conquest into? Nothing but union—the best concerted, the best executed, the best approved that ever this island saw till now; nor could all the heads in christendom have formed the present happy union, but from the schemes of those times. If ever nation gained by being conquered, it was here: they were subdued first, and then made happy; and Scotland flourished; justice had its uninterrupted course; trade increased; money plentifully flowed in;—and all under what they called tyranny and usurpation—all under a standing-army government, and with all the disadvantages that can be imagined from such a constitution as tended to subjection, not liberty; poverty and misery, not peace and plenty. And what was the foundation of all this? Nothing but the natural product of common reasoning: he found that the only way to preserve the conquest he had made on the powers of the nations was to make a conquest of their affections; that the only way to do this, was to let them see their interest and happiness in his government; and that this could only be brought to pass by uniting and entirely incorporating the nations into one; communicating peace, privileges, and all possible advantages to them; and thereby letting them see the true way to their prosperity. No man will say this was not the most politic step he could take; and must we condemn the method because we cannot be reconciled to the man? Certainly if union and incorporation of interests were able to make the nation happy, under a

standing army, and an absolute government as that was (things, in their nature, inconsistent with liberty and national prosperity), it must be much more capable under a just and limited government, where law governs the very actions of the sovereign, and all the branches of power are squared by, and sincerely employed for the public good: and it can be no lessening the value of any true scheme of national management, that a person used or contrived it, that we call a tyrant or an usurper. Let him be ever so much a tyrant, he showed he had the true spirit of government in him by this—that he knew the only way to make his government safe was to make it easy; and to have the people quiet, was to make them happy; and this he did by union, an entire incorporated union;—and the event proved his measures were rightly taken. Our end is now the same, though our views are different; to make the people happy is the end: if union be the way, why is it to be liked the worse, because Oliver Cromwell drew the scheme?"

In the month of March, 1706, the queen appointed the commissioners for both kingdoms, thirty-one for each, and directed that they should hold their meetings in London. The commissioners for Scotland were:—James, earl of Seafield, lord chancellor; James, duke of Queensberry, lord privy seal; John, earl of Mar, and Hugh, earl of Loudon, secretaries of state; John, earl of Sutherland; James, earl of Morton; David, earl of Wemyss; David, earl of Leven; John, earl of Stair; Archibald, earl of Roseberry; David, earl of Glasgow, the treasurer depute; lord Archibald Campbell, brother-german to the duke of Argyle; Thomas, lord viscount Dunlin; William, lord Ross, one of the commissioners of treasury; sir Hugh Dalrymple, lord president of session; Adam Cockburn of Ormeston, lord justice-clerk; sir Robert Dundas of Arniston, one of the senators of the college of justice; Mr. Robert Stuart of Tillicultrie, one of the senators of the college of justice; Mr. Francis Montgomery, one of the commissioners of the treasury; sir David Dalrymple, solicitor; sir Alexander Ogilvie of Forglen, general receiver; sir Patrick Johnston, lord provost of Edinburgh; sir James Smollet of Bonhill; George Lockhart of Carnwath; William Morison of Prestongrange; Alexander Grant, the younger, of that ilk; William Seton, the younger, of Pitmedden; John Clerk, the younger, of



Pennicuik; Hugh Montgomery, late provost of Glasgow; Daniel Stuart, brother-german to the laird of Castlemilk; and Daniel Campbell of Ardentennie. The duke of Argyle had proposed the duke of Hamilton as a commissioner, at that nobleman's request; but when he found the objection to him could not be overcome, he declined being on the commission himself, and appears to have expressed some discontent on the subject. The commissioners for England were:—Thomas, archbishop of Canterbury; William Cooper, esquire, lord keeper; John, archbishop of York; Sidney, lord Godolphin, lord high treasurer; Thomas, earl of Pembroke and Montgomery, lord president of the council; John, duke of Newcastle, lord privy seal; William, duke of Devonshire, steward of the household; Charles, duke of Somerset, master of the horse; Charles, duke of Bolton; Charles, earl of Sunderland; Evelin, earl of Kingston; Charles, earl of Carlisle; Edward, earl of Orford; Charles, lord viscount Townsend; Thomas, lord Wharton; Ralph, lord Grey; John, lord Powlet; John, lord Somers; Charles, lord Halifax; John Smith, esquire, speaker of the house of commons; William, marquis of Hartington; John, marquis of Granby; sir Charles Hedges, knight, and Robert Harley, esquire, secretaries of state; Henry Boyle, chancellor and under-treasurer of the exchequer; sir John Holt, knight, chief justice of the court of queen's bench; sir Thomas Trevor, knight, chief justice of the court of common pleas; sir Edward Northey, knight, attorney-general; sir Simon Harecourt, knight, solicitor-general; sir John Cook, doctor of laws, advocate-general; and Stephen Waller, doctor of laws.

All the preliminaries having thus been settled, the commissioners held their first meeting at the council chamber in the Cockpit at Westminster, on Tuesday, the 16th of April, when the lord keeper of the great seal of England, addressing himself to the lords commissioners for Scotland, spoke as follows:—"My lords,—We the commissioners appointed by her majesty, and authorised by the parliament of England, to consult and treat with your lordships, as empowered in like manner by her majesty and the parliament of Scotland, concerning a union of the two kingdoms, and such other things as we the commissioners on both parts shall think convenient and necessary for the honour of her majesty, and the common good of both

kingdoms, do apprehend there never was (in any assembly of this nature) so little occasion, as at present, for the commissioners of England to give any verbal assurances of their zeal to promote and complete, so far as in their power, the great and good design we are met about; since it cannot be doubted but that we bring along with us the same sentiments which so lately appeared in the parliament of England, when they took care to manifest by a solemn act that they did postpone all other considerations to their evidencing a good and friendly disposition towards the kingdom of Scotland. The parliament of England, in making that unexpected advance, seemed resolved, if possible, to attain that union which had been so long thought necessary by all that wish well to the prosperity of both nations. And we most sincerely assure your lordships, that we accordingly meet your lordships with hearts fully resolved to use our utmost endeavours to remove all difficulties in this treaty, to prevent all misunderstandings, to cherish and improve the good dispositions to one another we meet with, to have the general and joint good of both kingdoms solely in our view, and not the separate of either; but to act as if we were already united in interest, and had nothing left to consider but what settlements and provisions are most likely to conduce to the common safety and happiness of this whole island of Great Britain. Which measures, if pursued on both parts, we hope may enable us to prepare such terms of union as may prove satisfactory to her majesty and the parliaments of both kingdoms."

The earl of Seafield, on the part of the commissioners for Scotland, made the following reply:—"My lords,—The lords commissioners for Scotland have desired me to assure your lordships, that they meet you on this occasion with great willingness and satisfaction, to treat of a union between the two kingdoms, and of such other matters and concerns as may be for her majesty's honour and the maintaining a good understanding between the two nations. We are convinced that a union will be of great advantage to both; the protestant religion will be thereby the more firmly secured, the designs of our enemies effectually disappointed, and the riches and trade of the whole island advanced. This union has been often endeavoured, both before and since the kingdoms were united in allegiance under one sovereign, and several

treaties have been set on foot for that end, though without the desired success; but now we are hopeful that this shall be the happy opportunity of accomplishing it: her majesty hath frequently signified her good inclinations towards it; and we are the more encouraged to expect success in this treaty by the good disposition apparent in the parliament of Scotland for it, and by the friendly proceedings in the last session of the parliament of England, which gave general satisfaction. We have great confidence in your lordships' good intentions, and we shall be ready, on our parts, to enter into such measures with you as may bring the treaty to such a conclusion as may be acceptable to her majesty and to the parliaments of both kingdoms."

When the commissioners met again (on the 22nd of April), after some regulations for their proceedings had been agreed to, the lord keeper, in the name of the lords commissioners for England, delivered the following proposal:—"That the two kingdoms of England and Scotland be for ever united into one kingdom by the name of Great Britain; that the united kingdom of Great Britain be represented by one and the same parliament; and that the succession to the monarchy of the united kingdom of Great Britain, in case of failure of heirs of her majesty's body, be according to the limitations mentioned in an act of parliament made in England in the twelfth and thirteenth year of the reign of the late king William, intituled, 'An act for the further limitation of the crown, and the better securing the rights and liberties of the subjects.'"

In Scotland there was a prejudice in favour of a federal union, rather than an incorporating union, and the Scottish commissioners, well aware of this, whatever may have been their own sentiments, thought it necessary at least to raise some difficulty on the subject. They accordingly, at the next meeting (on the 24th of April), presented the following counter-proposal:—

"1. That the succession to the crown of Scotland, in case of failure of heirs of her majesty's body, shall be established upon the same persons mentioned in an act of parliament made in England in the twelfth and thirteenth year of the reign of the late king William, intituled, 'An act for the further limitation of the crown, and the better securing of the rights and liberties of the subjects.' 2. That the subjects of

Scotland shall for ever enjoy all rights and privileges as natives of England in England, and the dominions thereunto belonging; and reciprocally, that the subjects of England shall enjoy the like rights and privileges in Scotland. 3. That there be free communication and intercourse of trade and navigation between the two kingdoms, and plantations thereunto belonging, under such regulations as in the progress of this treaty shall be found most for the advantages of both kingdoms. 4. That all laws and statutes in either kingdom, contrary to the terms of this union, be repealed." To this the English commissioners replied:—"The lords commissioners for England are so fully convinced that nothing but an entire union of the two kingdoms will settle perfect and lasting friendship between them, that they therefore think fit to decline entering into any further consideration of the proposal now made by the lords commissioners for Scotland, as not tending to that end and desire; that the lords commissioners for Scotland would be pleased to give in their answer to the proposals delivered on Monday, the 22nd instant, by the lords commissioners for England, in order to an entire union of both kingdoms." Upon this the meeting was adjourned until the following day, when the Scottish commissioners, having duly deliberated, returned with the following answer to the proposal of the English commissioners:—

"The lords commissioners for Scotland have considered the proposal given in to them by the lords commissioners for England, on Monday, the 22nd instant, and do agree, that the two kingdoms of Scotland and England be for ever united into one kingdom, by the name of Great Britain; that the united kingdom of Great Britain be represented by one and the same parliament, and that the succession to the monarchy of the kingdom of Great Britain (in case of failure of heirs of her majesty's body) shall descend upon the most excellent princess Sophia, electoress and duchess-dowager of Hanover, and remain to her and the heirs of her body (being protestants), to whom the succession to the crown of England is provided, by an act made in the twelfth and thirteenth year of the reign of the late king William, intituled, 'An act for the further limitation of the crown, and better securing the rights and liberties of the subjects, and excluding all papists, and who shall marry papists, in the terms of the



said act;’ with this provision, ‘That all the subjects of the united kingdom of Great Britain shall have full freedom and intercourse of trade and navigation, to and from any part or place within the said united kingdom, and plantations thereunto belonging; and there be a communication of all other privileges and advantages which do or may belong to the subjects of either kingdom.’” The lords commissioners for England withdrew to deliberate, and on their return, the lord keeper, in the name of the lords commissioners for England, delivered the following reply :—

“The lords commissioners for England are of opinion, that the provision added by the lords commissioners for Scotland to the proposal made by the lords commissioners for England, upon the 22nd instant, is a necessary consequence for an entire union; and therefore their lordships do agree to the said provision, under such terms as in the further progress of this treaty shall be found to be for the common advantage of both kingdoms.”

The Scots having yielded on this point, the grand question of the character of the union might be considered as settled, and the commissioners proceeded to enter upon the details of the measure. The chief difficulty lay in the equalising or proportioning the burthens of the two countries, one of which was rich with what was then considered a heavy debt, while the other was poor but unincumbered. On the 29th of April, it was proposed by the English commissioners, that there should be the same customs, excises, and all other taxes, and the same prohibitions, restrictions, and regulations of trade throughout the united kingdom of Great Britain. To this the commissioners for Scotland replied, that the proposal contained so many particulars, that they felt it necessary to suggest the appointment of a committee of an equal number of each party, to consider them; and they required that the English commissioners would order an account of the taxes and other things to be laid before the committee, as the commissioners for Scotland would be ready to do on their parts. To both these proposals the English commissioners assented, and on the 1st of May the committee was appointed, to consist of eleven commissioners on each side. They were, on the part of Scotland, the lord chancellor, the duke of Queensberry, the earls of Mar, Loudon, Sutherland, Leven,

and Stair, the lord Duplin, the lord president of session, the lord justice-clerk, and sir Patrick Johnston; on the part of England, the dukes of Somerset and Bolton, the earl of Sutherland, the lords Townsend, Wharton, and Somers, the speaker of the house of commons, the marquis of Hartington, Mr. secretary Harley, Henry Boyle, and sir Simon Harecourt.

After the various accounts relating to the burthens, &c., of the two kingdoms had been laid before this committee, the Scottish commissioners, on the 9th of May, gave in a written statement, to the effect that they were willing to agree that all parts of the united kingdom of Great Britain should be under the same regulations, prohibitions, and restrictions, and liable to equal impositions and duties for export and import; but as several of the funds relating to the customs were already appropriated for the payment of debts properly belonging to England, they proposed that an equivalent should be allowed for them. They further agreed, that all the subjects of the united kingdom should be liable to equal land taxes, or taxes upon the pound-rent, providing the proportion for Scotland should only be twelve thousand pounds when one shilling was imposed on the pound-rent on England; so that forty-eight thousand pounds in Scotland should be reckoned equal to the four-shilling aid then imposed on England, and so proportionable, and to be raised in the same manner then used in Scotland, and free of all charges. They reserved the private rights of corporations and companies to be considered in the course of the treaty; but they insisted that neither of the kingdoms should be burthened with the debts of the other contracted before the union.

The greatest difficulty was anticipated in coming to any arrangement on the important questions involved in the debates of this day; and many who were most concerned for the success of the measure, seemed for a moment to despair of it. The state of the affairs of either nation was as follows:—England had a large revenue, and her customs and excise brought in what were then looked upon as vast sums, viz.: customs, one million three hundred and forty-one thousand five hundred and fifty-nine pounds per annum; excises, nine hundred and forty-seven thousand six hundred and two pounds per annum. But, on the other hand, she had heavy debts

upon them to discharge; and for the discharge of which, these revenues and almost all the other taxes (the land-tax and malt-tax excepted) were appropriated. The revenue of Scotland was comparatively small, her customs and excise producing but the following sums, viz.: the customs let out in tack, or farm, from year to year, only at thirty thousand pounds per annum; the excise, farmed also, at thirty-five thousand pounds per annum. But then the revenue of Scotland was entirely free from anticipations, or appropriations on any account of debt; not but that there were public debts too, but the revenue was not charged with them. In case of the revenues of the two kingdoms being united, two methods of arrangement presented themselves; each kingdom might, like two tradesmen entering into partnership, pay off their own respective debts, and bring in their several proportions of stock, clear of all incumbrances; or, putting the general accounts of debts and stock together, the English must make good the inequalities to the Scots some other way. The Scots commissioners wisely proposed, for the ease of their own country, that the revenues of Scotland should not be at all chargeable with the English debts; and this was thought to be a very good argument to excuse Scotland from some duties which, notwithstanding the general article of paying equal taxes, Scotland could by no means bear. But the English commissioners, adhering to the first principle of the treaty, viz., of its being an entire incorporating union, considered themselves obliged to insist also, that there should be an equality of customs, excises, and all other taxes throughout the united kingdom, as that without which the union could not be entire. This being laid down as a general condition, two things came in course to be examined as mediums:—1. A scale of proportions to form the equalities. 2. An equivalent to be given for supplying unavoidable inequalities. The equity of this proposal was not disputed; and the English commissioners, when they insisted upon an equality of taxes, readily agreed to the giving Scotland an equivalent for the payment of their own debts, so far as their customs and excises should come into the appropriations of the English revenue.

After some further discussion on the question of the customs and excise, the English commissioners stated, in a meeting

on the 13th of May, that “taking into their consideration the paper delivered to them at this meeting by the lords commissioners for Scotland, they are so sensible of the lords commissioners for Scotland’s having agreed to an equality of excises, as to all excisable liquors (as the lords commissioners for England understand the same), and to an equality of excises and burthens on all goods exported to England and the plantations, which the lords commissioners for England do not doubt will be agreed to by the lords commissioners for Scotland, as to all goods exported to all places whatsoever; that to show their readiness to comply with everything reasonable to the bringing this treaty to a good effect, they are willing to enter into the consideration of the particular excises and burthens point by point, which being of several natures, so that they will require to be distinctly considered, the lords commissioners for England find it necessary to desire a little time for giving their opinion on each particular head; but in general are inclined to consent to an exemption of excises and burthens, as proposed in such cases, where it may be done without prejudice to the trade or manufactures of England: as to the excises, where an exemption cannot be consented to without such inconvenience, the lords commissioners for England will consider of a proper equivalent, or some other expedient to promote the desired union of the two nations.”

“The commissioners,” says the contemporary historian of this delicate negotiation, “were now entered upon the great inquiry about equalities, and the first matter relating to taxes was that of the land-tax: the land-tax in England was a formidable thing, being called a tax of four shillings in the pound of the rent of lands, &c. And the people who were fond of throwing a tangled skein in the hands of the treaters, that might shock them at the beginning, would have gone upon that foot, alleging, that though the rents in Scotland were different from those in England, yet that twenty shillings sterling revenue being the same thing anywhere, it could as well afford to pay four shillings out of it in Scotland as anywhere else; and upon this foot, it seems, were for bringing the rents of land in Scotland to a true estimate; and so they would call this way of taxing an equality. But to this it was answered, first, that the Scots way of collecting their taxes being rigorous and exact, if four shillings per pound were



laid by parliament upon the whole island, their assessments would *bona fide* be four shillings per pound upon the rack-rent of all their lands. Whereas four shillings per pound in England never puts the assessors out of their old road; but every county being rated in the very body of the act, the title is *ipso facto* repealed, since if the lands, &c., of that county will raise the money by an assessment of one shilling and sixpence per pound (and it is known some do for less), the law is satisfied, and the end answered. Now, to tax Scotland at four shillings per pound upon her nett rent, and tax the northern and western counties of England but at so much money, which they can raise by a proportion of sixteenpence to twenty-pence at most, per pound, would be unreasonable. So that it was plain Scotland could not be taxed at a pound rate, but at a proportioned sum, leaving them to the division of it, to raise it as they see fit.

“The sum charged upon lands in England, after it is levied and raised from the tenant, stands charged with large deductions and charges upon the levying, collecting, and receiving; and those charges, if some calculations are right, amount to little less than ninepence per pound upon the money received, besides public losses by the insolvency of receivers and their securities, which oftentimes runs deep into the money, and which, though they cannot be brought into an exact account, yet, put altogether, twelpence per pound may at least very well be charged upon the whole, as an off-reckoning or discount upon the money, between the collection and exchequer. This twelpence per pound upon the money collected is twopence eight-twentieths per pound upon all the rents in England, and amounts in every land-tax to near a hundred thousand pounds sterling. Now, as on the other hand, the Scots collect all their tax at their own charges, clear of all losses, deficiencies, or defalcations, and pay it in nett to the exchequer or public treasure, to charge them by the same numerical equality with England, would be to make them pay their taxes clear of charge, and bear part of the expense and loss in collecting ours.

“Differing customs and manners of paying rent, and letting out lands in the two kingdoms, make a numerical equality impracticable. In England the rents are paid in money; in Scotland they are, generally

speaking, paid in kind, or victual, as they call it: now though it is true this may, and is, in some respect, brought to a head by a general valuation, yet, with this difference, against a Scots landlord to an English, viz., that the Scots landlord stays two terms, and runs two risks, in his receiving the rent of his land. First, he stays the term agreed to receive of his tenant; and secondly, he trusts the merchant a second term, to whom he sells the produce he receives of his tenant: in the same sense he runs two hazards—one in the solvency of the tenant, and the other of the merchant; which makes a considerable difference in the essential value of the rent, and consequently of the purchase of such an estate; and though the purchase or real value of lands in Scotland may not come into this dispute, yet were an estate let in England to pay the rent in kind, it would sell for much less than an estate of the same value paid in specie; nor would it be taxed at near so much in our common assessment.

“The difference in letting lands in England, which are in many places fined down, and the stated rents reduced, makes another variation; whereas in Scotland lands are let without leases, or but on short terms, and at a rack-rent. Any man that knows what belongs to letting or taking lands in England, cannot be ignorant that the landlord letting a long lease to the tenant, confining him to such and such improvement, makes frequent considerations in the rent; and so the land being taxed by the rent, is taxed under the value. On the other hand, should this article of four shillings per pound be insisted on in the literal sense, and the Scots come to consider how to avoid it by fining down rents and other advantageous methods (which they may easily find out), they may soon evade the act and pay little or nothing; and this would be an evil hard to discover, and if found out, almost impossible to cure. From these reasons, it was plain a numerical or arithmetical equality could not be the foundation of those debates; but, as it was very well styled, it behoved to be a geometrical equality, founded on a scale of proportions, and that scale formed upon due considerations, not of real value only, but of circumstances and prospects of either kingdom.

“A second calculation was then proposed from the proportion which Scotland was obliged to pay under Oliver Cromwell, who having reduced Scotland by arms, incorpo-

rated them into one body with this nation, and by this incorporation they were rated at six thousand pounds per month in their land-tax, when England was rated at seventy thousand pounds per month. It also appears by the same calculation, that Scotland paid this six thousand pounds per month when England paid but thirty-five thousand pounds per month. Now, to apply this calculation to the present case, the land-tax in England, in time of war, at four shillings per pound, is supposed to raise two millions sterling. The Scots paying six thousand pounds to England's thirty-five thousand pounds per month (which is something less than a sixth part), by the same rule, in two millions per annum, which the said land-tax raises, they must be chargeable with £333,333 6s. 8d. per annum land-tax. But this arbitrary difference which Oliver Cromwell and his parliament made, as is observed, was in consideration that England had for divers years past been at almost all the expense of the war; yet still, at the former calculation, Scotland would, in a four-shilling aid, pay half that sum, viz., £166,666 13s. 4d. per annum. Now, to examine the rents of each kingdom, the annual rents of lands in Scotland must, by the first calculation, amount to £1,666,666 13s. 4d. sterling per annum; and by the last calculation, just half the money. Both which sums, it was alleged, are far wide of an equality, and far beyond what Scotland is able to raise. I am the larger on this head, that posterity may see the reasons why these calculations were made, and have the arguments preserved for their use if it be disputed hereafter, why Scotland should pay so small a proportion in the land-taxes, or four-shilling aid, and which may help others to defend Scotland against future attempts to enlarge their expenses.

"The next thing was to examine what was, or what might be counted a due equality; and here it will be necessary to enter a little into the short history of taxes in Scotland since the restoration, which, bringing it down to the present time, may serve as a rule to this matter. Anciently, the levying money upon land in Scotland was called in general the taxation, and the manner of levying it was by rules altogether obsolete and now grown out of use, as the custom of tenths, fifteenths, subsidies, &c., are in England. The now method of taxing land has its beginning, as to practice, in the assessment of six thousand pounds per

month settled in Scotland in Cromwell's time, when a union was actually formed and settled between the nations, of which, however deficient in itself, without doubt this may be said—that it had in it the essential parts, and might be modelled into a complete coalition. This is the tax they now go by in Scotland, and is called there the cess, by which is understood a month's assessment: it is raised upon land by a method peculiarly exact, and I have never heard any one complain of the inequality. It is raised, as is before noted, without any charge, deduction, or defalcation, and is paid nett into the treasury. According as the occasions of the government require, this tax is increased; but then not the sum per month is increased, but the number of months are increased, which, by the help of time, increases the sum. The original of the demand was as before, and of the method, but the continuance of it was thus introduced. In former times the kings of Scotland contented themselves with the ancient demesnes, crown lands, customs, &c., and, on extraordinary cases, the taxation, as above, was their supply; excises of any sort were altogether unknown till the days of king Charles II. King Charles II., in the year 1661, obtained of the Scots to give him a settled sum of forty thousand pounds sterling during his life, in consideration whereof he promised never to demand any cess or taxation, except in time of war. This forty thousand pounds was raised by eight thousand pounds laid as impost on foreign importations, and thirty-two thousand pounds per annum on malt brewed into liquor for sale; but as this was a novelty, and uncertain in its produce, a cess was granted to make good the deficiency, which deficiency generally amounted to two months' cess, more or less; and other cess than this Scotland knew none till the convention, 1666, which being a time of war, a cess was imposed, but not exceeding three months. Here it may be observed, that in these times the excises and customs of Scotland could not raise forty thousand pounds per annum, put together, which I note for the other uses which I shall make of it hereafter. But to go on with my history. From this time to the year 1678, Scotland had no more cess, nor was at any charge more than to make good the deficiency of the forty thousand pounds mentioned before, except three months' cess during the Dutch war, expiring at Candlemas, 1674. About this



time, the nation being very unhappily divided into parties, had the misfortune not only to have a religious division, but a court division also, and people strove at any price to oblige the sovereign in giving up their privileges and liberties to be trampled on by arbitrary designs. The first fruits of this courting the prince appeared in that they brought a tax of five months' cess upon the country, to be continued for five years, which, though in time of peace, was backed with a specious pretence of the disaffection of the fanatics, or, to express it in a more modern phrase, the danger of the church. This was the first infraction upon the Scots, to cover which duke Lauderdale, then commissioner, feigned a new word, and put upon it the gloss of a *voluntary offer*, or free gift. When this had been imposed for about three years, and two years before it expired, king James, then duke of York, and high commissioner in Scotland, *anno* 1681, obtained the continuation of this five months' cess for three years, which was to the year 1684. After this, when he came to the crown, he advanced it by his mere absolute command to eight months' cess, and had it confirmed to him for his life. In this taxation or cess, the several court parties struggled who should give their country away fastest: the bishops got into every part of the civil jurisdiction; the severities against the people first drove them into desperations and rebellions; and then such advantages were taken, and such use made of the said insurrections to ruin others, that the poor people were brought to the brink of general ruin; the nation being brought to that pass, that a man might be fined or forfeited—that is, his estate taken from him, for his wife's giving a halfpenny at his door to a common beggar, on pretence it was relieving a rebel.

"Thus poor Scotland was bought and sold; and the example is useful for our observation a great many ways: for thus shall every nation be used that is divided into contending parties, and exposed to an encroaching government. But that I may not have said all this foreign to the present purpose, it is very observable, and this is the reason of the quotation—that this will make one *period* for taxation, viz., the highest that an arbitrary prince, backed with a mercenary nobility and a governing clergy, even in the greatest extreme of absolute tyranny, ever imposed upon this nation, which at that time it is evident they

desired to squeeze, and cared not if they entirely ruined. Come we now to the revolution, which these exorbitances had no little influence upon: the first thing transacted upon the meeting of the estates or convention of Scotland, was to break these chains, reassume the power of raising taxes by parliament, and make themselves judges both of the occasion and of the sum. However, as in England, since the revolution, greater occasions have called for immense sums to carry on the war, and such taxes have been raised as were never heard of before; so in Scotland the parliament have agreed to such taxes as—the aforesaid time of tyranny excepted—were never known in Scotland before. Yet, in the carrying on this war, six or seven months' cess has, one time with another, been thought Scotland's full proportion; and the late king, excepting one or two years on extraordinary occasions, always contented himself with it, and this at the same time that England raised four shillings per pound upon their land: nor did queen Anne ever demand more of her subjects in Scotland, though the weight of the war was as great as ever; and this was called another period of taxation. Now, what was meant by a geometrical scale, or equality in taxes, is drawn from these proportions. That, since exact valuation of rents cannot be made on both sides, and least of all in England, it seems as good a way to come at this equality as any could be proposed. That the highest period of taxes that ever Scotland bore since the restoration may be taken on one hand, and set against the highest period of taxes that ever England bore—that is, of a land-tax on both sides—and put these together as the scale of equality. Thus, suppose the Scots eight months' cess (though that was the height of tyrannic imposition, and though it is allowed the Scots are manifestly impoverished, and less able to bear it than they were—yet, say it be full eight months' cess), and set this against the English four shillings per pound, it could not be found that any more just calculation could be made; and the proportion seemed so clear, that every side appeared content with it. Thus, whenever a tax upon land for four shillings per pound is granted, the Scots pay eight months' cess; if of two shillings per pound in England, four months' cess; and so in proportion. There were other calculations offered about that time, but none seemed so rationally and so exactly stated to the circumstances

of the nations, or built on so just a foundation; and therefore it met with less difficulty than was expected, as will appear hereafter."

The difficult question of equalisation in customs and excise occupied the deliberations of the commissioners during a part of the month of May. The Scottish commissioners were at first opposed to this equalisation, on the ground that, although an equivalent were allowed to balance the national account, this would not compensate the loss to individuals, or enable the consumer to pay the increased price for the article. The English commissioners, however, insisted on their general argument—that, without such equalisation, the Scots, living cheaper, would be enabled to produce at a lower rate, and, as the immediate consequence of the union would be a free trade between the two countries, they would come into the English markets and undersell the English producers. The English commissioners agreed to exempt Scotland from the duties upon stamps, coals, windows, births, marriages, and burials, but the malt and salt taxes occasioned much dispute, as their value was widely different in the two kingdoms, the charge being made not *ad valorem*, but according to the measure and weight. Thus a quantity worth three shillings in Scotland would be charged sixteen shillings and fourpence, which would be the same as the tax in England for a quantity priced at ten shillings and sixpence. The Scottish commissioners insisted upon a perpetual exemption with regard to these articles, but after some arguing they agreed to a temporary suspension, on the ground that a British parliament was never likely to impose an impracticable tax on one part of the empire. To hasten these deliberations to a conclusion, the queen attended in person at the meeting of the commissioners on the 21st of May, and expressed her great desire that they might be brought to a successful result. The question of customs and excise being at length arranged, the Scottish commissioners, on the 29th of May, delivered in the following proposal:—"The lords commissioners for Scotland having already agreed to an equality of customs and excise upon all excisable liquors, and to the same regulations of trade throughout the whole united kingdom, as a consequence thereof; their lordships do now agree, that the laws concerning regulation of trade, customs, and excise upon all excisable liquors, be the

same in Scotland, after the union, as in England. But the lords commissioners for Scotland do propose, that all other laws in use within the kingdom of Scotland do, after the union, and notwithstanding thereof, remain in the same force as before, but alterable by the parliament of Great Britain; with this difference betwixt the laws concerning public right, policy, and government, and these which concern private right,—that the laws which concern public right, policy, and government, may be made the same throughout the whole united kingdom; but that no alteration be made in the laws which concern private right, except for evident utility of the subjects within that part of the united kingdom now called Scotland. And as to the judicatures within Scotland, the lords commissioners for Scotland do propose as followeth:—That the court of session, or college of justice, do, after the union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union; subject, nevertheless, to such regulations for the better administration of justice as shall be made by the parliament of Great Britain. That the court of judicatory do also, after the union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union; subject, nevertheless, to such regulations as shall be made by the parliament of Great Britain, and without prejudice of other rights of judicatory. That all other courts presently in being within the kingdom of Scotland do remain, but subject to alterations by the parliament of Great Britain; and that all inferior courts within the said limits do remain subordinate, as they now are, to the supreme courts of justice within the same, in all time coming. That no causes in the kingdom of Scotland be cognisable by the courts of chancery, queen's bench, common pleas, or any other court in Westminster-hall; and that the said courts, or any others of the like nature, after the union, shall have no power to cognise, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same. That there be a court of exchequer in Scotland, after the union, for deciding questions concerning the revenues of customs and excises, having the same power



and authority as the court of exchequer has in England; and that the said court of exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things, as the court of exchequer at present in Scotland hath; and that the court of exchequer that now is in Scotland do remain, until a new court of exchequer be settled by the parliament of Great Britain in that kingdom after the union. That after the union, the queen's majesty and her royal successors may continue a privy council in Scotland, for preserving of public order and peace, until the parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end. That all hereditary offices and jurisdictions, and offices or jurisdictions for life, be reserved to the owners thereof as right of property, notwithstanding of this treaty, in the same manner as they are now enjoyed by the law of Scotland. That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain entire after the union, and notwithstanding thereof." To this paper the English commissioners replied:—"The lords commissioners for England having considered the several proposals contained in the paper delivered the 29th instant, by the lords commissioners for Scotland, and being extremely desirous to bring this treaty to a speedy and happy conclusion, do agree to the same, reserving still the consideration of the courts of admiralty of Scotland to the further progress of this treaty."

On the 7th of June, the English commissioners made the following proposal:—"The lords commissioners for England being extremely desirous to come to a speedy conclusion of the present treaty for a union of the two kingdoms, and it having been already agreed that the united kingdom be represented by one and the same parliament, their lordships have turned their thoughts to consider what may be a proper and reasonable number for the representative of Scotland in the house of commons of the united parliament; and do propose to the lords commissioners for Scotland, that thirty-eight persons be the number by which that part of the united kingdom now called Scotland, shall be represented in the house of commons whenever a parliament shall be called in Great Britain." The Scots took four days for deliberation, and on the 11th of June they gave in the following reply, which was appended to their resolution with regard

to the court of admiralty:—"The lords commissioners for Scotland, in answer to the proposal delivered by the lords commissioners for England on the 5th instant, concerning the admiralty, do agree that all admiralty jurisdiction be under the lord high admiral of Great Britain, or commissioners of admiralty of Great Britain for the time being; and as to that part of the said proposal which concerns appeals from the high court of admiralty, the lords commissioners for Scotland do propose, that the court of admiralty now established in Scotland be continued, and that all reviews, reductions, or suspensions of their sentences in maritime cases competent to their jurisdiction, remain in the same manner after the union as now in Scotland, until the parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole united kingdom; providing there be always continued in Scotland a court of admiralty such as is in England, for determination of all maritime cases relating to private right in Scotland, competent to the jurisdiction of the admiralty court. And the lords commissioners for Scotland do further propose, that the hereditary rights of admiralty and vice-admiralties be reserved to the respective proprietors as rights of property. The lords commissioners for Scotland having considered the proposal made by the lords commissioners for England the 7th instant, viz., that thirty-eight persons be the number by which that part of the united kingdom now called Scotland, shall be represented in the house of commons whenever a parliament shall be called in Great Britain, do find such difficulties in that matter, that they are under a necessity to propose a conference betwixt the lord commissioners for both kingdoms on that subject, in which their lordships doubt not but to satisfy the lords commissioners for England that a greater number than is mentioned in the said proposal will be necessary for attaining the happy union of the two kingdoms, so much desired on both sides; and the lords commissioners for Scotland are willing now to enter on the said conference, or when the lords commissioners for England will please to appoint."

In fact, the question now brought forward was the most difficult and delicate in the whole treaty. The number of commissioners in the Scottish estates was one hundred and sixty, the nobles one hundred

and forty-five; the number of the English house of commons was five hundred and thirteen, and of the English house of peers one hundred and eighty-five. To the Scots, therefore, the number proposed for the representation of Scotland seemed far too small, and they appeared at first inclined to make a determined stand on this point. On the 14th of June, the private conference on the subject having been closed, the earl of Mar delivered a paper in to the effect that, "the lords commissioners for Scotland having considered the proposal delivered by the lords commissioners for England on the 7th instant, with the conference that followed on the subject of that proposal; their lordships are hopeful that the lords commissioners for England are convinced of the real difficulties occurring in that matter on the part of Scotland, and the lords commissioners for Scotland do find themselves still under an absolute necessity for bringing to a happy conclusion the union of the two kingdoms, to insist that a greater number than that of thirty-eight be agreed to, as the representative for Scotland in the house of commons in a parliament of Great Britain."

This day was chiefly occupied with debates on the admiralty court, on which subject the proposal of the Scots was finally agreed to by the English, with a mere proviso that that court and its hereditary rights were to be subject to whatever regulations or alterations should be made by the united parliament of Great Britain. On the 15th of June, the English commissioners gave in the following paper:—"The lords commissioners for England, being assured by the lords commissioners for Scotland, that there will be found insuperable difficulties in reducing the representation of Scotland in the house of commons of the united kingdom to thirty-eight members (the number formerly proposed by the lords commissioners for England), do, to show their inclinations to remove everything that would of necessity be an obstruction to the perfecting the union of the two kingdoms, propose to the lords commissioners for Scotland, that forty-five members, and no more, be the number of the representatives for that part of the united kingdom now called Scotland, in the house of commons of the united kingdom, after the intended union. And there being an absolute necessity that the number of peers to be admitted into the house of lords of the

united kingdom, for that part of the united kingdom now called Scotland, be regulated in proportion to the number to be admitted into the house of commons, do propose that sixteen peers be the quota of Scotland in the house of peers of the parliament of the united kingdom, after the intended union." The Scots took two days for deliberation among themselves, and then, on the 18th of June, the earl of Mar, in the name of the lords commissioners for Scotland, delivered to the board their final answer, in the following words:—"The lords commissioners for Scotland having considered the paper delivered by the lords commissioners for England the 15th instant, containing a proposal that forty-five members be the number of the representatives of that part of the united kingdom now called Scotland, in the house of commons of the united kingdom, after the intended union; and that sixteen peers be the quota of Scotland in the house of peers, in the parliament of the said united kingdom: and being most desirous to concur in what is further necessary to finish this treaty, and at the same time sensible of the difficulties on the part of the lords commissioners for England in that matter, do not insist for greater numbers (by virtue of this treaty) of representatives in the house of peers and the house of commons in the parliament of Great Britain, than these proposed by the lords commissioners for England; providing that all the peers of Scotland, and their successors to their honours and dignities, be, from and after the union, reckoned and declared peers of Great Britain, and that they enjoy, in their respective degrees and orders, all other titles, dignities, pre-eminencies, immunities, and privileges whatsoever, as fully and freely as the peers of England do at present, or the peers of Britain may enjoy hereafter. And the lords commissioners for Scotland do further propose, that the peers of Scotland for that time being, and their successors, do, at and after the union, according to their different degrees and orders, enjoy the rank and precedence of all peers to be thereafter created of the like orders and degrees in the said united kingdom." To this, on the 19th, the English commissioners replied:—"The lords commissioners for England, having considered the two proposals made by the lords commissioners for Scotland, in their paper delivered the 18th instant, do agree to the same, with the following explanation: that all the peers of Scotland, and their



successors to their honours and dignities, be, from and after the union, reckoned and declared peers of Great Britain, and that they enjoy, in their respective degrees and orders, all other titles, dignities, pre-eminencies, immunities, and privileges whatsoever, as fully and freely as the peers of England do at present, or the peers of Britain may enjoy hereafter; provided that no peer who shall not then have the right to sit in parliament shall be capable of sitting upon the trial of any peer; and also, that no peer, not having right to sit in parliament, shall have privilege of parliament. And also, that the peers of Scotland for the time being, and their successors, do, at and after the union, according to their different degrees and orders, enjoy the rank and precedence of all peers to be thereafter created of the like orders and degrees in the united kingdom: provided always, that it be understood, that all persons who shall be peers of England at the time of the union, shall for ever enjoy that rank and order of precedence of their respective degrees, before the same degrees of the peers of Scotland." To this the Scots agreed, with the further explanation, on their part, that "the lords commissioners for Scotland do understand, that by the explanation contained in the said paper delivered by the lords commissioners for England, all the peers of Scotland are to be tried as peers of Great Britain, and enjoy all privileges of peerage, excepting that of sitting in the house of lords, and the privileges depending thereon, to which sixteen peers, to be sent from time to time from the peers of Scotland to the house of lords of Great Britain, are only entitled; and the lords commissioners for Scotland do propose, that in the trials of peers, in time of adjournments or prorogations of parliament, the sixteen peers who do then represent the peers of Scotland, shall be summoned in the same manner, and have the same powers and privileges in such trials, as any other peers of Great Britain; and that in the trials of peers when there is no parliament in being, the sixteen peers, representatives from Scotland in the former parliament, shall be called in the same manner, and have the same powers and privileges."

On the 19th the English commissioners handed in a proposal,—“That from and after the union, the coin shall be of the same standard and value throughout the united kingdom as now in England, and the same

weights and measures shall be used throughout the united kingdom as are now established in England:” and they added another—“That all laws and statutes in either kingdom, which are contrary to, or inconsistent with, the terms agreed on for uniting the two kingdoms, shall be repealed and made void.” The Scots, on the 21st, signified their concurrence in both these proposals, with the provision on the first, “that consideration be had to the losses private persons may sustain in reducing the coin to the same standard as now established in England; and also provided, that from and after the union, the mint at Edinburgh be always continued under the same rules as the mint in the Tower of London, or elsewhere in the united kingdom; and that the standard of weights and measures for Scotland be kept by those boroughs within that part of the united kingdom now called Scotland, to whom the keeping of the standards of weights and measures now in use in Scotland does by special right and privilege belong.”

During the interval, many schemes were proposed for arranging the number of Scottish members in what seemed a fairer proportion, and, as Defoe observes, “the debates without doors were much warmer than those within.” There was but one precedent to look back to, which was furnished by the transient union made by Oliver Cromwell; where the model of proportional representation was taken from the scheme of proportions, upon which he had formed his taxation, in which Scotland being rated at about a thirteenth part of the land-tax, had also allowed her about a thirteenth part in the representation, as follows:—England was taxed at seventy thousand pounds a-month, and was represented in parliament by four hundred members; Scotland was taxed at six thousand pounds a-month, and was represented in parliament by thirty members. “I will not say,” Defoe remarks, “this was the most equal judgment that ever was made of this kind as to Scotland; but I may be allowed to say, that with respect to England it was certainly the most equal distribution of elections that ever was, and much beyond our present method; for in this scheme the disproportion of numbers was taken away, and the election of members to represent ruined heaps, decayed castles, and depopulated towns, was let fall: but of this by the way. The present calculation was not very remote from this, in effect, though not built upon

the same foot: and it was very rationally argued here, that the proportion could not be taken barely from the share of taxes paid (which was the scheme which most of the politicians of that time pretended to go upon), but that the proportion must be doubly calculated; which, if it be examined, and were to be applied in Holland, and other parts of the world, must have been done. For instance, the share in taxes, and the number of the people. If, on one hand, the share of taxes may be low, yet the number of people great; or, on the other hand, the share of taxes high, and the people few, the extremes are to bear their weight in the proportion. Thus, though the Scots, by this union, paid but forty-eight thousand pounds for Scotland to one million nine hundred and ninety-seven thousand pounds English, which was about one-fortieth part (forty times forty-eight thousand pounds being one million nine hundred and twenty thousand pounds), to have argued from thence that they should have but thirteen members—which to the house of commons is  $\frac{1}{37} \frac{6}{33}$  part of five hundred and thirteen—this would appear ridiculous. Again, if you take an estimate of the people of both nations, we shall find Scotland esteemed to contain two millions, and England, at the highest calculation, under six; and this brings Scotland to a third part of the members, which would be extravagant the other way, and oblige them to send one hundred and seventy-one members to the house. But, if you set these extremes against one another, it will appear that a tenth of the representative answered as nigh to an equality as such a thing could well be reduced to; and, on this foot, the Scots commissioners were supposed to be near the matter, when they desired fifty members might be the representative for Scotland.” These remarks of Deſoe show us the light in which the question was viewed and discussed at that time, when England was far less populous and less rich than at present, and they are perhaps the best commentary on the proceedings of the commissioners we could give.

On the 21st of June, the Scottish commissioners brought forward the sore subject of the African company. They proposed as alternatives:—“That the rights and privileges of the company in Scotland trading to Africa and the Indies, established in Scotland by the eighth act of parliament, 1695, and by the thirteenth act of parliament,

1701, do continue in force after the union; or that if the privileges of that company shall be judged inconvenient for the trade of the rest of the united kingdom, that the private rights of the said company in Scotland be purchased from the proprietors.” They also proposed,—“That all ships belonging to her majesty’s subjects in Scotland at the time of the union, though foreign built, shall be deemed and pass as ships of the build of Great Britain, the owner or owners, within twelve months after the union, making oath that the same did belong to him or them at the commencement of the union, and does then belong to him or them, and that no foreigner, directly nor indirectly, hath any share, or part, or interest therein, which oath shall be made before the chief officer of the customs at the port next the abode of the said owner or owners; and the said officer shall be empowered to administer the said oath; and the oath being so administered shall be attested by the officer who administered the same, and being registered by the said officer, shall be delivered to the master of the ship for security of her navigation, a duplicate of which register shall be immediately transmitted to the commissioners of her majesty’s customs in the port of Edinburgh.” Instead of the latter proposal, the English commissioners substituted a modified regulation, to which the Scots agreed; and this point was finally settled as follows:—“That all ships belonging to her majesty’s subjects of Scotland at the time of signing this treaty of the union of the two kingdoms, though foreign built, shall be deemed and pass as ships of the build of Great Britain; the owner, or where there are more owners, one or more of them, within twelve months after the union, making oath that the same did belong to him or them, or to some other subject or subjects of Scotland at the time of signing the said treaty, and doth then belong to him or them, and that no foreigner, directly nor indirectly, hath any share, or part, or interest therein; which oath shall be made before the chief officers of the customs in the port next the abode of the said owner or owners; and the said officer or officers shall be empowered to administer the said oath; and the oath being so administered, shall be attested by the officer or officers who administered the same, and being registered by the said officer or officers, shall be delivered to the master of the ship, for security of her navigation, and a dupli-



cate thereof shall be transmitted by the said officer or officers to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain."

To explain the anxiety shown on this point, it may be necessary to state that the act of navigation in England obliged all the ships employed to and from England, except only such ships as import anything of the growth or manufacture of their own country, to which those ships belong, to be English built ships, and the mariners or sailors navigating the same to be two-thirds, at least, natural born subjects of England. But as Scotland of late years, wanting timber or other materials, had very few ships of their own building, they carried on the greatest part of their foreign trade in vessels built in Holland, Hamburgh, and the Baltic, and the English commissioners wished, by a clause of this kind, to prevent the introducing of foreign bottoms into our trade as free ships. The Scots, to protect their own trade, demanded that a ship should be deemed free at the time of the union if part of her was owned by Scotsmen at that time, because as they traded much to Holland, so the merchants of Amsterdam, Cambruge, and other places, were in part owners, in company with the Scots merchants, of many of their ships, and therefore it was thought hard, that if the major part of the owners were Scotsmen, yet the ship should be deemed foreign, which would either oblige the Scots merchant to buy the remainder at what price the foreign owner pleased to exact, or oblige him to sell and cast off the ship, without which he could not carry on his trade. This, however, would have clashed directly with the act of navigation, and created innumerable inconveniences; for foreigners would only have to interest Scotsmen in a moiety of their ships, and so pass great numbers of foreign-built bottoms for free ships in Britain, to the great damage of the English trade. This point therefore was given up, and it remained only to arrange the time at which any vessel belonging entirely to Scots owners should be deemed free: the English commissioners put it to be at the time of signing the treaty; the Scots commissioners insisted on the time of the commencement of the union: but it was objected to the latter that,

in the interval, the merchants of either kingdom might procure great numbers of foreign ships, which being built cheaper than the English, and becoming free by this clause, would be a great prejudice to trade; whereas it was the known interest of both kingdoms to encourage the building of merchant ships among themselves.

The next matter of consideration was the very important one of the equivalent, in regard to which the English commissioners offered the following scheme:—"The lords commissioners of the two kingdoms having appointed a committee, consisting of a like number of each commission, for adjusting the equivalent to be allowed to Scotland for what that kingdom should become liable to answer towards payment of the debts of England, by reason of their having agreed to bear the same duties of customs and excises upon all excisable liquors; and the said committee having frequently met, and after a full inquiry, having agreed amongst themselves, and severally reported to their respective commissions, that the sum of £398,085 10s. was the equivalent to be answered to Scotland, according to the proportion which the present customs and excises in Scotland do bear to the customs and excises upon excisable liquors in England; and the lords commissioners for England having considered and examined the said report, do agree to the said sum. The lords commissioners for Scotland having also insisted that after the union, the kingdom of Scotland becoming liable to the English duties of customs and excises upon excisable liquors, as well upon that account as upon the account of the increase of trade and people, which will be the happy consequence of the said union, the said two revenues will much improve, of which no present valuation can be made; yet, nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent allowed to Scotland. The lords commissioners for England do agree, that after the union there shall be an account kept of the said duties arising in Scotland, to the end that it may appear what ought to be allowed to Scotland as a proportionable equivalent for such proportion of the said increase according to the calculation aforesaid, as shall be applicable to the payment of the debts of England. The lords commissioners for Scotland having also, by their paper delivered the 21st instant, proposed that the rights and privileges of the company in Scotland trading

to Africa and the Indies do continue after the union, or if the privileges of that company be judged inconvenient for the trade of the united kingdom, that the private rights of the said company in Scotland be purchased from the said proprietors; the lords commissioners for England, in answer thereto, say they are of opinion, that the continuance of that company is inconsistent with the good of trade in the united kingdom, and consequently against the interest of Great Britain, and therefore they insist that it ought to be determined. But the lords commissioners for England being sensible that the misfortunes of that company have been the occasion of misunderstandings and unkindnesses between the two kingdoms; and thinking it to be above all things desirable, that upon the union of the kingdoms, the subjects of both may be entirely united in affection, do therefore wish that regard may be had to the expenses and losses of the particular members of the said company in the manner hereafter mentioned; and they hope when the lords commissioners for Scotland have considered how generally that undertaking was entered upon in Scotland, and consequently how universal that loss was, they will readily agree to the proposal. The lords commissioners for England do also think it of much consequence to England, that it should be agreed in this treaty after what manner the equivalent (which will amount to a great sum payable upon and after the union) is to be paid and applied; and being extremely desirous to bring the treaty to a speedy conclusion, and in order to that, as soon as may be, to settle and fix the matter of the equivalent and the application thereof, do agree as follows, and do also make the following proposals to the lords commissioners for Scotland:—The lords commissioners for England do agree, that upon completing the union, the said sum of £398,085 10s. being agreed upon as the equivalent for Scotland, shall be granted to her majesty for that use. The lords commissioners for England do also agree, that upon the account to be kept as aforesaid, of the improvement of the revenue of customs and excises upon excisable liquors in Scotland after the union, there shall be answered to Scotland an equivalent in proportion to such part of the said increase as shall be applicable to the payment of the debts of England. The lords commissioners for England do also agree, that an equivalent shall be

answered to Scotland for such other parts of the English debts as that kingdom may hereafter become liable to pay by reason of the union. The lords commissioners for England do propose, for the further and more effectual answering the several ends hereafter mentioned and proposed, that from and after the union the whole increase of the revenue of customs and excises upon excisable liquors in Scotland, over and above what the said revenues do now yield, shall go and be applied, for the term of seven years, to the uses hereafter mentioned. And upon the said agreements and proposal the lords commissioners for England do further purpose, that her majesty be empowered to appoint commissioners, who shall be accountable to the parliament of Great Britain, for disposing the said sum of £398,085 10s. to be granted as aforesaid, and also of all other monies which shall arise upon the agreements and proposal aforesaid, to the purposes following:—1. That out of the said sum of £398,085 10s. all the public debts of the kingdom of Scotland, and also the capital stock or fund of the African and Indian company of Scotland, together with the interest for the said capital stock, after the rate of five per cent. per annum, from the respective times of payment thereof, shall be paid, and that immediately upon such payment of the said capital stock and interest, the said company shall be dissolved and shall cease; provided nevertheless, that from the time of passing the act for raising the said sum of £398,085 10s. the said company shall neither trade nor give license to trade. The lords commissioners for England do further propose, that after payment of the said public debts, and refunding the said capital stock in manner aforesaid, the overplus of the said sum of £398,085 10s. and also the whole improvement of the revenue of customs and excises upon excisable liquors (above the present value), which shall arise during the term of seven years from the commencement of the union as aforesaid, together with the equivalent which shall become due upon account of the improvement of the customs and excises upon liquors in Scotland after the said seven years, and all other sums, which according to the agreement aforesaid may become payable to Scotland by way of equivalent for what that kingdom shall hereafter become liable to answer for the debts of England, may be applied in the manner



following:—That out of the same, what consideration shall be found necessary to be had for any losses which private persons may sustain in reducing the coin of Scotland to the standard of England (mention whereof is made in another paper delivered by the lords commissioners for Scotland the 21st instant), may be made good, and afterwards the same shall be wholly employed towards encouraging and promoting the fisheries and such other manufactures and improvements in that part of Britain called Scotland, as may most conduce to the general good of the united kingdom.”

The proposal to purchase entirely the private rights of the African company in Scotland out of the equivalent money, appears to have been more than most people expected, and led many to look with a favourable eye upon the union, who were before prejudiced against it. The stock was a great burthen upon many families, who would have been glad of the return of so much money: it had not only been long disbursed, but in the majority of cases the money was given over for lost; and people had so entirely given up all hopes of recovery, that even after this conclusion of the treaty, the stock might be bought at ten pounds for a hundred.

On the day after the foregoing scheme was given in (Wednesday, the 26th of June), the queen came again to the meeting, and delivered the following brief address:—“My lords,—I am come hither once more to see what further progress you have made in this treaty, and to press a speedy conclusion of it, in regard my servants of Scotland cannot without great inconveniency be much longer absent from that kingdom.” This intimation no doubt tended to hasten the conclusion of the proceedings, and, as the Scottish commissioners seemed tolerably satisfied with the equivalent, the discussion turned chiefly on the time and mode of payment, and on some of its minor details. Nothing now remained but the adjustment of a few matters of small moment, such as the making of one great seal, the quartering of the arms of the two kingdoms, the uniting the crosses, and the arrangement of banners, ensigns, and trophies. On Thursday, the 11th of July, the English commissioners announced the near conclusion of the treaty by proposing—“That the union of both kingdoms shall take place upon the 1st day of May, 1707, and their lordships do also pro-

pose, that if her majesty, on or before the said 1st day of May, shall declare under the great seal of England, that it is expedient that the lords of parliament of England, and commons of the present parliament of England, should be the members of the respective houses of the first parliament of Great Britain, for and on the part of England; then the said lords of parliament of England, and commons of the present parliament of England, shall be the members of the respective houses of the first parliament of Great Britain; and her majesty may, by her royal proclamation, under the great seal of Great Britain, appoint the said first parliament of Great Britain to meet at such time and place as her majesty shall think fit, which time shall not be less than forty-two days after the date of such proclamation; and the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great seal of Great Britain, directed to the privy council of Scotland, for the summoning the sixteen peers, and for electing forty-five members, by whom Scotland is to be represented in the parliament of Great Britain; and the lords of parliament of England, and the sixteen peers of Scotland, such sixteen peers being summoned and returned in the manner agreed in this treaty; and the members of the house of commons of the said parliament of England, and the forty-five members for Scotland, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively in the respective houses of the parliament of Great Britain, at such time and place as shall be so appointed by her majesty, and shall be the two houses of the first parliament of Great Britain; and that parliament may continue for such time only as the present parliament of England might have continued, if the union of the two kingdoms had not been made, unless sooner dissolved by her majesty. And the lords commissioners for England do likewise propose, that every one of the said sixteen peers of Scotland, and every one of the said forty-five members for Scotland shall, before they sit or vote in the respective houses of parliament of Great Britain, take the respective oaths, and subscribe the declaration in the same manner as the lords and members of both houses of parliament in England are obliged to take and subscribe, by virtue of any act or acts of parliament now in force in England, upon

the penalties therein contained." To this the Scots replied, on the 13th, that they agreed to it with the alteration, in the first part, that the time for meeting of the said parliament should not be less than fifty days after the date of the proclamation; and that they would agree to the second part of the proposal, in the terms following:—"That every one of the lords of parliament of Great Britain, and every member of the house of commons of the parliament of Great Britain, in the first and all succeeding parliaments of Great Britain, until the parliament of Great Britain shall otherwise direct, shall, before they sit or vote in the respective houses of the parliament of Great Britain, take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy, by an act of parliament made in England, in the first year of the reign of the late king William and queen Mary, intituled, 'An act for the abrogating of the oaths of allegiance and supremacy, and appointing other oaths,' and make, subscribe, and audibly repeat the declaration mentioned in an act of parliament made in England in the thirtieth year of the reign of king Charles II., intituled, 'An act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament;' and shall take and subscribe the oath mentioned in an act of parliament made in England, in the first year of her majesty's reign, intituled, 'An act to declare the alterations in the oath appointed to be taken by the act,' intituled, 'An act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined,' upon the penalty and disabilities in the said respective acts contained; and the lords commissioners for Scotland do further propose, that these words, 'the crown of this realm,' and the 'queen of this realm,' mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, may be understood of the crown and realm of Great Britain, united by the acts of the respective parliaments ratifying this treaty, and that the oaths and declaration be taken and subscribed by the members of both houses of the parliament of Great Britain in that sense."

To these alterations the English commissioners made no objection; and on the 22nd of July the articles of the union, duly engrossed, were signed and sealed by the commissioners. Next day they waited upon the queen at St. James's, where the lord keeper made the following speech, in presenting to her one of the signed and sealed instruments or writings containing the articles of union on the part of England:—"May it please your majesty,—We the commissioners appointed by your majesty, in pursuance of the act of parliament passed in your kingdom of England, to treat concerning a union of the two kingdoms, with the commissioners for Scotland, do (according to our duty) humbly beg leave to present to your majesty these the effects of our continued and faithful endeavours towards that end. They are the articles agreed upon between your commissioners of both kingdoms, as the terms or conditions upon which the intended union is to take place, if your majesty and the parliaments of both kingdoms shall think fit to approve and confirm the same. In these we have come to an agreement on every point we judged necessary to effect a complete and lasting union, and we have endeavoured not to stir into any matter we had reason to think was not so. And although we have unanimously carried this treaty thus far, purely from a conviction that we have done therein to God, your majesty, and our country's good service; yet we are far from thinking that what we have done will, or ought to be of any weight or authority elsewhere; but do most entirely submit these our labours to the high wisdom of your majesty and both your parliaments, to stand or fall by the reason, justice, and public utility on which they are founded. Your majesty's royal presence and seasonable admonitions to us at the fittest junctures, were (we most thankfully acknowledge) a very great encouragement and assistance to us, in the difficulties we met with. Your majesty's glory is already perfect, and the finishing this work is all that is wanting to complete as well as secure the happiness of so great a people, as your subjects may now, without any arrogance, pretend to be. May your majesty live not only to give a sanction of this universal blessing to all your people, but also to see, in a long and prosperous reign over us, the many immediate (or near) good effects of it; but as for that great and main consequence of it, for which your majesty is



making, by a most gracious and charitable foresight, this only effectual provision—I mean the continuance of peace and tranquillity in this island, upon a descent of the crown, instead of that bloodshed and distraction which would probably follow upon the fatal division of it—may we be so happy as never, in our days, to experience the fitness of these measures your majesty is now taking for that end! But may late, very late posterity, only in that respect, reap the advantage of them.” Then the lord chancellor of Scotland, in the name of the lords commissioners for Scotland, presented to her majesty one of the signed and sealed instruments or writings, containing the articles of union on the part of Scotland, and addressed her in the following words:—“May it please your majesty,—The commissioners appointed by your majesty for the kingdom of Scotland, to treat of a union of your two kingdoms of Scotland and England, have commanded me to return your majesty their most humble and dutiful acknowledgments, for the honour your majesty has conferred on them, in employing them to negotiate this most important affair, which is of the greatest consequence to all your majesty’s subjects. We have endeavoured to discharge this trust with all fidelity, and are now come humbly to lay before your majesty the articles and conditions of union which we have treated of, and agreed upon, and do submit them to your majesty’s royal consideration. It is a great satisfaction to us, that what we have concluded in this matter has been done with unanimity; and we must own, that the knowledge we had of your majesty’s great concern for uniting your two kingdoms, and the earnestness with which your majesty has been most graciously pleased to recommend it, hath enabled us to bring this treaty to a happy and speedy conclusion, to the mutual satisfaction of the commissioners on both sides; and we shall esteem it our greatest happiness, if what we have prepared be acceptable to your majesty, and ratified by the parliaments of both kingdoms, without which what we have done can be of no authority. A union of the two kingdoms

has been long wished for, it being so necessary for establishing the lasting peace, happiness, and prosperity of both nations; and though it has been frequently endeavoured by your majesty’s royal predecessors, without the desired success, yet the glorious successes with which God has blessed your majesty’s endeavours for the happiness of your people, make us hope that this great work is reserved to be accomplished in your majesty’s reign.” After which, her majesty addressed the commissioners as follows:—“My lords,—I give you many thanks for the great pains you have taken in this treaty, and am very well pleased to find your endeavours and applications have brought it to so good a conclusion. The particulars of it seem so reasonable, that I hope they will meet with approbation in the parliaments of both kingdoms. I wish, therefore, that my servants of Scotland may lose no time in going down to propose it to my subjects of that kingdom; and I shall always look upon it as a particular happiness, if this union (which will be so great a security and advantage to both kingdoms) can be accomplished in my reign.”

Thus, as far as the commissioners were concerned, was this important treaty brought to a conclusion. Whatever motives actuated them, whether patriotic or selfish, they seem to have carried on the conference with great fairness, and to have shown a willingness to yield to each other, which only ensured its final success. The agitation on the subject out of doors was very great; and it may be regarded as a significant circumstance, that the same day on which the treaty was presented to the queen, she dictated an order of council, that whoever should be concerned in any discourse or libel, or in laying wagers, relating to the union, should be prosecuted with the utmost rigour of the law. A feeling, however, had been gradually rising in favour of the measure, and it required, even in Scotland, great exertions on the part of the political factions opposed to it, and great and unscrupulous skill in misrepresentation, to raise that violent dislike to the union which soon afterwards showed itself in that kingdom.

## CHAPTER XIV.

THE ARTICLES OF THE UNION BEFORE THE SCOTTISH PARLIAMENT; RIOTOUS SPIRIT AND PROCEEDINGS OF THE POPULACE; THE UNION VOTED.

THE act of union promised to be the heaviest blow that had yet been given to the prospects of the jacobites in Scotland, and they were consequently unwearied in their exertions to defeat it. But they still exaggerated their own strength; and meditating an insurrection as the last resource, they continued to solicit the court of France for assistance. Louis XIV. had ceased to place much trust in their representations, but as he knew that the English troops in Scotland were few in number, he was willing at this time, when he was suffering under such great reverses on the continent, to seize upon any offer which promised to give the English government even but temporary occupation for its troops at home. He had therefore in the preceding year sent as his agent to the Scottish jacobites one colonel Hooke, who had formerly held the office of chaplain to the duke of Monmouth, but had since entered the army in the service of France. Hooke arrived in Edinburgh in the August of 1705, bringing with him letters from the French king and from the pretender, addressed to the duke of Hamilton, the earl of Errol, the earl Marshall, and the earl of Hume, urging them to declare openly for the exiled dynasty, and promising to assist in its restoration. This agent, however, soon showed himself unfitted for the mission he had undertaken, for he leagued himself with the worst and most desperate men of the party, and urged imprudent measures which must have been fatal to them all. Hamilton and the other jacobite leaders were soon disgusted with his conduct, and held aloof from him, and he retired to France without effecting his purpose. No further communication of any importance had taken place between the jacobites in Scotland and the French king, until it became certain that the act of union would be agreed to by the commissioners in London. The jacobites then sent over as their accredited agent captain Henry Straton, to ascertain the real intentions of Louis, and gain information as to the amount of assistance on which they could count in case they judged it necessary to have recourse to arms. But in the few

months which had passed since Hooke's mission, the arms of the French king had experienced such heavy reverses, that he was obliged to tell the Scots plainly that he could no longer spare either money or men. It was therefore in vain to think of an insurrection, and the jacobite party in Scotland, thrown upon its own resources, had recourse to intrigue. They sought to league themselves with any party who would join with them, and so many parties were fearful that the union would turn to their disadvantage, that it was not difficult to find allies. The episcopalians were all opposed to the union, because it assured the permanent establishment of the presbyterian form of government; while the extreme presbyterians were equally hostile to it, under the influence of vague fears that their church would be at last left to the discretion of an episcopalian parliament. This latter party objected further, that by their solemn league and covenant they were bound to labour for the overthrow of the episcopalian church in England, whereas by the proposed union they not only agreed to the establishment of episcopalianism in England, but actually bound themselves to send representatives to a parliament in which bishops sat as peers. There was another party, and perhaps the most powerful of them all, consisting of persons who, by the union, would be deprived of the field on which they had found room for gratifying their ambition, or their avarice, or their personal feuds, or the piques of party. These were the most active agitators. They formed coalitions of the most unnatural description, and succeeded in uniting for a moment the Cameronian with his persecutor, the presbyterian with the papist, and the protestant succession with jacobitism. They terrified the poorer classes with apprehensions of insupportable taxes, of loss of employment and dearth of provisions, and of various other grievous burthens. People were told that they were sold to the English, that their parliament and the regalia of their crown would be carried away from them, and that their very name as a nation would be lost. The mercantile classes were threatened with the



utter destruction of trade, false representations were sent abroad, and in print as well as in speech men expatiated in the most extraordinary manner on the value of the trade with France, and on the unprofitable character of that with England. People were persuaded that their laws, liberties, and estates, were in future to be left at the absolute disposal of the British parliament, in which they would have but a small number of representatives, who, even supposing them always unbiassed and impartial, would in all cases be overruled, outvoted, and oppressed by the English majority. "All these things," we are assured, "were pushed with so much heat, so much want of clarity and courtesy, that it began to break all good neighbourhood; it soured all societies; and the national quarrel broke into families, who were ever jangling, divided, and opposite one among another."

Such was already the state of things, when the Scottish parliament was called together on the 3rd of October, 1706, to give the final authority to the union by an act of parliament. The duke of Queensberry had been selected to act as commissioner on this occasion, as a nobleman of popular manners, and possessing a calmness of temper which hardly anything could ruffle. "It was," says Defoe, "in a great measure the only thing that carried this difficult work on, that the duke, in all the heats and animosities of the party, in all the convulsions of the kingdom, carried on the treaty with easiness, temper, and extraordinary conduct, not taking advantage of the rashness and rudeness of the people; pitying rather than apprehending danger from their folly, he kept his hand upon the work, his eye upon the principals of the opposite party; he disappointed all their measures; he let himself into the darkest of their counsels; he pursued the main and great work in hand; and with a contempt above my power to express, received all their insults, laughed at their threatenings, treated them courteously and calmly under the most intolerable carriage; and this, under the supreme conduct, was the only step by which this great work could have been brought to pass." } Queensberry was ably supported by Argyle, Tweeddale, Stair, and a number of the principal nobility. The opposition in parliament was headed by the dukes of Hamilton and Athol, and the marquis of Annandale. The first of these had wavered so much, and he was so strongly

opposed to any extreme measures of his party, that it was difficult to say what were his real sentiments, though he was generally set down as a jacobite, and was supposed to favour the pretender. Athol was less cautious in his correspondence with the council at St. Germain's, and more openly zealous in the jacobite cause, but he was inferior to Hamilton in ability. The opening of this session, the last "riding" of a Scottish parliament, was naturally an object of unusual interest, and the great inclemency of the weather alone prevented the capital from being overcrowded with visitors from the provinces. The queen's letter, on this occasion, was to the following effect:—"Since your last meeting, we did nominate commissioners to treat of a union betwixt our two kingdoms of Scotland and England, and by their great care and diligence, a treaty is happily concluded and laid before us. We have called you together as soon as our affairs could permit, that the treaty may be under your consideration, in pursuance of the act made in the last session of our parliament there; and we hope the terms will be acceptable to you. The union has been long desired by both nations, and we shall esteem it as the greatest glory of our reign to have it now perfected, being fully persuaded, that it must prove the greatest happiness of our people. An entire and perfect union will be the solid foundation of lasting peace; it will secure your religion, liberty, and property, remove the animosities amongst yourselves, and the jealousies and differences betwixt our two kingdoms: it must increase your strength, riches, and trade; and by this union the whole island being joined in affection, and free from all apprehension of different interests, will be enabled to resist all its enemies, support the protestant interest everywhere, and maintain the liberties of Europe. We do upon this occasion renew the assurances we have formerly given you, of our resolution to maintain the government of the church, as by law established in Scotland; and the acts of both parliaments, upon which this treaty proceeded, having reserved their respective governments of the church in each kingdom, the commissioners have left that matter entire; and you have now an opportunity for doing what may be necessary for security of your present church government after the union, within the limits of Scotland. The support of our government, and your own safety does require, that you do make necessary provision

for maintaining the forces, ships, and garrisons, until the parliament of Great Britain shall provide for these ends in the united kingdom. We have made choice of our right trusty, and right entirely beloved cousin and counsellor, James duke of Queensberry, to be our commissioner, and represent our royal person, being well satisfied with his fitness for that trust, from the experience we have of his capacity, zeal, and fidelity to our service and the good of his country; which, as it has determined us in the choice, we doubt not but will make him acceptable to you. We have fully instructed him in all things we think may fall under your consideration, and seems to be necessary at present: therefore we desire that you may give entire trust and credit to him. It cannot but be an encouragement to you to finish the union at this time, that God Almighty has blessed our arms, and those of our allies, with so great success, and which gives us the nearer prospect of a happy peace, and with it you will have the full possession of all the advantages of this union; and you have no reason to doubt but the parliament of England will do what is necessary on their part, after the readiness they have shown to remove what might obstruct the entering on the treaty. We most earnestly recommend to you calmness and unanimity in this great and weighty affair, that the union may be brought to a happy conclusion, being the only effectual way to secure your present and future happiness, and to disappoint the designs of our and your enemies, who will, doubtless, on this occasion, use their utmost endeavours to prevent or delay this union, which must so much contribute to our glory, and the happiness of our people."

After the letter had been read, the duke of Queensberry addressed the parliament in the following terms:—"My lords and gentlemen,—Her majesty, by her gracious letter, has acquainted you, that the treaty of union between the kingdoms of Scotland and England (pursuant to an act made in your last session) has been happily agreed on, which is now in my lord-register's hands, ready to be laid before you. The lords commissioners for this kingdom have been diligent and zealous in concerting just and reasonable terms; and it must be acknowledged we met with a fair and friendly disposition in the lords commissioners on the other part. The treaty has, with all humility, been presented to the queen, and

was most graciously received; and though no reign was ever so truly great for wise and steady councils, and so many important successes as that of her majesty, yet you see she is pleased to esteem the perfecting of this union as the greatest glory of her reign, being the most solid foundation of a lasting security to the protestant religion and the liberties of Europe, and of peace and happiness to her people. These reasons, I doubt not, will make the treaty acceptable to you; and I persuade myself that you will proceed with such calmness and impartiality as the weight of the subject requires, and as becomes so great an assembly. The lords commissioners for both kingdoms were limited in the matter of church government; for the security of presbyterian government in this church, you have the laws already made for its establishment, the queen's repeated assurances to preserve it, and I am empowered to consent to what may be further necessary after the union. Her majesty has been pleased to recommend to you to make provision for the forces, ships, and garrisons, which is very necessary, the subsidies granted at your last meeting being run out; so I doubt not you will speedily renew them. My lords and gentlemen, I am not insensible of the difficulties that attend the weighty character it has pleased her majesty to honour me with, but, with your favourable assistance (upon which I very much rely), I hope, by my zeal and fidelity for her majesty's service and the good of my country, which are inseparable, to discharge my duty on this extraordinary occasion."

The commissioner's speech was followed, according to the custom of the Scottish parliament, by one from the lord chancellor (Seafield), which, as it is the last example of these formalities, may also be given entire. He said—"My lords and gentlemen,—It hath been, and is the great happiness of this nation, that the queen our sovereign hath always made it the chief design of her reign, to protect her subjects in the enjoyment of all their rights and privileges; to promote their good, and to establish their peace and prosperity upon sure and lasting foundations. For these ends her majesty, in her most gracious letter, doth, with great earnestness, recommend to you the concluding of the union of the two kingdoms, and has plainly and fully laid before you the great advantages that this union must bring with it to all Britain, and in particular



to this kingdom. The lords commissioners named by her majesty for this kingdom, to treat of this union, have endeavoured to discharge this great trust with all fidelity, and have agreed to such terms and conditions as I hope shall be found just, honourable, and advantageous: the treaty has been already received very graciously by her majesty, and is now ready to be reported to you for your consideration. I do not think it proper at this time to descend into the particular articles of the treaty; I shall only beg leave to say, in general, that it must be of great advantage to have this whole island united under one government, and conjoined entirely in interest and affection, having equality of all rights and privileges, with a free communication and intercourse of trade, which must certainly establish our security, augment our strength, and increase our trade and riches. We can never expect a more favourable juncture for completing this union than at present, when her majesty has not only recommended it, but declared that she will esteem it the greatest glory of her reign to have it perfected; and when the parliament of England has shown their inclinations for it, by removing all those obstacles that did lay in the way of the treaty: and it must also be acknowledged, that the lords commissioners for England did testify their good disposition all along in this affair: and the great and glorious successes wherewith God has blessed her majesty's arms, and those of her allies, give us the hope of a near and advantageous peace, whereby we will be put in the possession and attain to the full enjoyment of all the liberties and privileges of trade now offered by the treaty. The commissioners of both sides have only treated of such things as concern the civil government, liberties, privileges, trade, and taxes; but found themselves limited as to the church government, that being reserved to each kingdom by the respective acts of parliament upon which the treaty proceeded: and you have now not only the laws already made, with her majesty's most gracious repeated assurances for maintaining and continuing presbyterian church government within this kingdom, but this further opportunity of making such conditions and provisions as shall be found necessary for its security after the conclusion of this union, within the limits of Scotland. Her majesty recommends to you to provide the necessary supplies for the troops,

garrisons, and ships: the funds formerly given are expired; and therefore I doubt not but you will easily comply with what is so plainly necessary for the preservation of the public safety, and preventing the designs of enemies now in time of war. My lords and gentlemen, since we have now the opportunity of establishing for ourselves and our posterity, by this union with England, all that concerns our religion and liberties, together with the most valuable privileges of trade, I am hopeful that you will proceed to the consideration of the articles of the treaty in such manner as shall bring it to the desired conclusion; and it cannot but tend to the lasting honour of this session of parliament, to have so happily finished this most important and weighty matter."

After these speeches the treaty of the union was read, and after a short debate it was ordered to be printed, and copies to be delivered to the members of parliament. Parliament then adjourned to the 10th.

It was observed at the opening of this session, that several gentlemen took the oath who had not done so before; so anxious were the jacobites, who were the party that had refused the oaths, to gather all their strength against the union. Nor were they scrupulous in their tactics, for the most unfounded reports and rumours were spread abroad to excite the prejudices of the populace. Among other things, it was given out at this moment, that the Scottish commissioners having had it in their power to obtain most advantageous conditions from England, had been brought basely to submit to the arbitrary designs of some leading men employed in the treaty in England, and had been very slight in their demands, and therefore durst not publish their proceedings till the parliament of Scotland met, intending that then the whole treaty should be rejected, which they pretended would be agreeable to others of the commissioners of both nations. This report was believed by many who were not unfriendly to the union, who consequently were easy and inactive, till too late they perceived the queen and her ministers to be in earnest; and then the jacobites made use of the same rumour to calumniate and reproach the commissioners. Moreover, it was said that the printing of the articles, which the opponents of the union afterwards claimed as their act, was introduced against their design; for, at their private meetings, the question was put

—how to delay the printing of the articles, or any further proceedings in order to gain time, till the parliament of England should meet, which was then prorogued to the 23rd of October?—so that both parliaments sitting together, they expected to confound the measures for carrying on the treaty by mutual proposals, doubts, &c. The meeting on the 10th of October was taken up with private business, and it was not till the 12th that the second reading of the articles of the union was proposed. This proposal met with great opposition, the opponents of the union urging that time should be given for consulting principals or constituents; and some went so far as to acknowledge, that the power of a member of parliament was limited by his constituents; and that the parliament could not lawfully debate, much less determine, an affair of such a nature as this, which they called destroying the constitution, without consulting and obtaining the consent of their constituents. It was replied that, in the first place, this was not destroying the constitution; and that, secondly, the parliament was particularly called by her majesty for this end, and the work expressed in the proclamation for their election; and that therefore they were particularly elected by their constituents for this work, and thereby empowered to debate and conclude it without further powers. After a long and warm debate, the motion for the second reading of the articles was carried by the large majority of sixty-four. The jacobites, who were popularly celebrated for anything but fasting, now astonished even themselves by proposing a general fast, which occasioned some debates, and considerable merriment, so that some could not be convinced that it was intended for anything but banter; and it was observed, that the most sober and religious members, both of the nobility and gentry, opposed this motion in the house, which they saw was only intended to procure delay and impede the progress of the question before them.

At the next meeting (on the 15th of October), the opponents of the measure moved for a delay of eight days for further deliberation; but, after some debate, this was overruled, and it was decided by a considerable majority to proceed. Accordingly, the first article, asserting the general principle of the union, was read. In another point the opposition were more successful—namely, that the articles, as read this second time,

should not be voted upon severally, but merely discussed, and that none should be voted till all had been read and considered. During this preliminary debate, the neighbouring streets and the doors of the parliament house were exceedingly thronged, the people waiting anxiously to hear whether the first article was voted and approved, or rejected; and when somebody came out and said that the first article was not voted, a report ran through the town that it was rejected, and the mob, who appeared now to be managed by some gentlemen, began to shout, and people believed that the union had been rejected. When, however, the truth was generally known, the populace became more tranquil, and waited to see the final result.

The apprehensions of the presbyterians had now been excited. The commission of the general assembly had sat since the 9th, and had warmly debated the question—in what manner they should behave themselves in this juncture? The result was an address to the parliament, which was presented on the 17th of October, arguing in very temperate language, that the safety of the church should receive due consideration; to which the parliament replied by a declaration that, before concluding the union, the parliament would take this address into consideration, and do everything necessary for securing the true protestant religion and church government as then established by law. The opponents of the union laboured to persuade the presbyterians that this answer was unsatisfactory and disrespectful to the church; and this added to the general excitement. The first eight articles were discussed this day, and each was opposed with more or less warmth. To the third—relating to uniting the parliaments of both kingdoms—it was objected that they had no power to alter the representative of the nation, and that Scotland could not consent to be governed by any other representative than they were now; for, the opposition said, if the parliaments were to be made one, the whole parliament of Scotland ought to be joined to the English parliament, and that Scotland ought no more to abridge her representative than England. Out of doors great use was made of the arguments urged against the articles on taxes, and people were made to believe that their salt, malt, beer, and fish would all be loaded with insupportable taxes, that their whole trade should be ruined, their houses



plundered for taxes, and their people starved. During the debates, rumours reached the ears of the members, that the mob was coming up to the parliament, to demand that the crown and sceptre of Scotland should not be given up and carried away to England. This created some alarm, but it proved not to be correct. On the 19th of October, articles nine to fifteen were read, and the estates separated in the middle of a warm debate on the equivalent, which was resumed at the next meeting, on the 22nd of October. In the course of this debate, which was carried on with considerable heat, the commissioners for the treaty were accused of betraying their country, and having made wrong calculations to the disadvantage of Scotland. The commissioners, in defending themselves against these imputations, offered to go through all the calculations with their opponents. But this was looked upon as an inconvenient course; and at last a committee was appointed for examining the calculations, in which none of the commissioners themselves were allowed to sit. It was also moved that, to assist the said committee, two very able accountants or arithmeticians should be found to examine the calculations; one of which was Dr. James Gregory, professor of the mathematics in the college of Edinburgh, the other, Dr. Thomas Bowar, professor of the mathematics in the college of Aberdeen. The sixteenth and seventeenth articles, relating to the coin and to weights and measures, were read on this day, but occasioned little or no debate. Next day (the 23rd) the eighteenth article of union was again read; and upon reasoning thereon, it was moved—"That the English laws concerning regulation of trade, customs, and such excises, to which this kingdom, by virtue of the treaty, is to be liable, be printed for information; likewise, that it be remitted to a committee to consider the several branches of our trade as to export and import, with the English laws and book of rates in relation thereto, with the customs and excises thereof, for the satisfaction of the members of parliament thereanent, and to cause print such of the acts of the English parliament concerning the same as they find expedient, or to report to the parliament." Both motions, however, were adjourned for further consideration; but the debates upon them were calculated to inflame the populace without. It was remarked, too, that there was a sinister design in the earnestness of the

opposition to print and distribute the English statutes, which were likely to be misunderstood and misrepresented by people in general. The question of salt was made as much of as possible; for the poor seemed to be concerned in it, and the agitators against the union pretended that they were labouring mainly for the relief and ease of the poor. This was taking and engaging with the common people, and as much use was made of it as if the salt had been a principal part of their food, and the duty so great, that the poor must have been starved if they had paid it.

We must here interrupt the narrative of the proceedings in parliament, to describe the agitation without, which on this day (the 23rd of October) manifested itself in a scene of alarming turbulence. The leaders of the opposition, especially the jacobites, who were now extraordinarily popular with the mob, were industriously feeding the flame; and it was said that they had a design of overawing the parliament, and compelling it to reject the measure. The motion for a fast, which at first met with ridicule on account of the party with whom it originated, had been revived, and it was finally ordered by the commissioners of the general assembly, and observed with great solemnity in the capital. As this was usually resorted to on occasions when the country was threatened with some extraordinary danger, and the opposition believed that it would increase the popular aversion to the measure, they hoped to increase their hold upon the people by the solemnity of the fast, and by the warmth of the ministers who, they expected would, in the pulpit, run out against the treaty, and thus increase the popular hostility to the union, and perhaps lead to some violent measures for preventing it. But the ministers prudently abstained from any strong expressions with regard to the union, and merely asked in their prayers—"That all the determinations of the estates of parliament with respect to a union with England, might be influenced and directed by divine wisdom, to the glory of God, the good of religion, and particularly of the church of Scotland."

The grand centre of popular agitation was furnished by the dukes of Hamilton and Athol, who were the violent and constant declaimers against the union in parliament, and who were attended by the mob whenever they appeared in the streets, and escorted with loud cheering and other de-

monstrations of approbation. Hamilton, who was, through some cause or other, lame, was carried to and from the parliament house in a chair, and was therefore a more marked object for their attention. On the 22nd of October, they followed the duke's chair from the parliament house through the city, as far as the Abbey gate, where they were stopped by the guards; but on their way back, they were heard to threaten, that the next day they would come in greater numbers, and pull the *traitors*—as they called the *treaters* of the union at London—out of their houses, and put an end to the union itself. Accordingly, on the 23rd, as the parliament sat somewhat late, the people gathered in the streets and about the doors of the parliament house, and the Parliament-close was so crowded, that the members could not go in or out without difficulty. When the duke of Hamilton came out of the house, the mob huzzaed as formerly, and followed his chair in very great numbers. The duke, instead of going to the Abbey, as usual, went up the High-street, to the Land-market, and so to the lodgings of the duke of Athol. While he remained there the mob, which waited round the door, kept rapidly increasing in numbers, until it amounted to several thousands, when they determined to put in execution their threat against the commissioners. They began with sir Patrick Johnston, although he had always been a very popular man: they first attacked his lodgings with stones and sticks, but his windows being too high, they proceeded up the stairs to his door, and began to hammer at it with sledges, or great hammers; and if they had broken it open in their first fury, he had, without doubt, been torn in pieces. But his lady, in the utmost terror, came to the window with two candles in her hand, that she might be known, and cried out, “for God's sake to call the guards;” upon which an apothecary of the town, who knew her voice and saw the distress she was in, ran immediately to the town guard; and after the lord provost's order had been obtained, captain Richardson, with about thirty men, marched to the spot, and making his way through the crowd, reached the foot of the staircase, cleared the stairs of the rioters, and secured six of them in the act of assaulting the door. Sir Patrick Johnston was thus saved from further molestation; but the mob, by this time prodigiously increased, went roving up and down the town, break-

ing the windows of the members of parliament, and insulting them in their coaches. They put out all the lights in the streets; and it being now about eight or nine o'clock at night, they were for awhile absolute masters of the city; and it was reported, that they were going to shut up all the ports. The duke of Queensberry, informed of their design, sent a party of the foot-guards, who took possession of the Netherbow. The rioters, however, still continued masters of the city, and went roving about the streets till midnight, frequently beating drums, and raising more people. Up to that hour, Queensberry had thought it advisable not to employ the military; but finding that the city authorities were powerless, and being informed that a thousand of the seamen and rabble from Leith were coming to reinforce the rioters, he at last sent for the lord provost, and demanded that the guards should march into the city. The lord provost, after some difficulty, yielded; and, about one o'clock in the morning, a battalion of the guards entered the town, marched up to the Parliament-close, and took possession of all the avenues of the city, in consequence of which, the mob, overawed, gradually dispersed, and so the tumult ended. The foot-guards, and two other regiments of foot, did now constant duty in the city, viz., the regiments of Strathmaver and Grant; the horse-guards attended the commissioner, the other battalion of guards at the palace, and the garrison at the castle. By this timely act of vigour, there can be no doubt that the city and the government were saved from more serious disasters. The next day the parliament did not sit; but a great council was assembled, where the measure Queensberry had taken in bringing the guards into the city, was ratified and approved, and a proclamation was published for suppressing tumults. The populace, however, remained in a state of bitter exasperation, and dark and mysterious threats were heard, while the popular attendance on the duke of Hamilton was more numerous and noisy than ever.

On Friday, the 25th of October, when parliament met again, the lord chancellor announced that he was directed by the lords of her majesty's privy council, to acquaint the parliament, that upon occasion of a rabble and tumult that happened in Edinburgh on the Wednesday night, by which several members of parliament were



threatened and insulted, the privy council had, for the security of the members of parliament, and peace of the town, brought in a part of the foot-guards to the town of Edinburgh, and had issued forth a proclamation against such tumultuary meetings, in the terms of several acts of parliament. It was therefore moved—"That the estates of parliament being sensible of the care and concern of the lords of privy council to suppress the late tumult and mob, and to secure the safety and quiet of the parliament, that therefore they should return to their lordships the thanks of the parliament; and should recommend to my lord high commissioner and the privy council, to continue their care for the safety and security of the parliament, and the peace and quiet of the town." This motion was carried by a considerable majority; but the earl of Errol, as lord high constable, gave in a protestation, in the following terms:—"That he, for himself, and in name of such as should adhere to his protestation, protested, that the continuing of standing forces within the town of Edinburgh, and keeping guard with them in the Parliament-close, and other places within the town, the time of parliament (as at present is done), is contrary to the right of his office as high constable; by which he has the only privilege of guarding the parliament without doors, as the earl marischal has within doors, and is an encroachment on the rights and privileges of parliament, and on the particular rights and privileges of the town of Edinburgh; and if any vote shall pass contrair to his said right, or the right of the earl marischal, or rights and privileges of parliament, or the town of Edinburgh, that it shall not in any time hereafter prejudice the same, or be any ways drawn in consequence." It was remarked that this was the first protest in the Scottish parliament, in the proceedings with regard to the union.

The debate upon this matter was long and somewhat angry; so much so, indeed, that it seemed as though some of the opponents of the union were disappointed that the tranquillity of the capital had been restored. The marquis of Annandale was the first who objected to the proceedings of the commissioners: he pleaded that it was an encroachment upon the liberty of parliament, and upon their freedom of speech, that the house was to be held in awe by soldiers, which was bringing upon them arbitrary government. Several speeches

were made to the same purpose; and one noble person said he could perceive the difference already in the votes of the house, and that the influence of the soldiers had altered the matter. Another ground of objection was the infringing the privileges of the city of Edinburgh; but the magistrates having declared themselves satisfied of the necessity of the case, and the impossibility of keeping the peace without the intervention of the soldiery, that objection was also overruled. The guards continued at their posts, and the respective regiments relieved one another with beat of drum, which effectually prevented any further riot; but their behaviour in other respects was so peaceful, and so unintruding, that they gave no tangible pretext for a complaint. This was also a disappointment to the jacobites, who are said to have proposed a protest against the introduction of the military as an act of violence on the parliament, and so to leave the house in a body, pretending they were under the power of the army.

The remaining articles of the union were read at meetings on the 28th, 29th, and 30th days of October. On the 1st of November, it was moved—"That the parliament now proceed to the further and more particular consideration of the articles of union, in order to approve them or not, and to begin with and read the first article." Upon this the opposition made another attempt at delay, and, on the pretence that the English parliament ought to take the priority in declaring their opinion on the union, they moved—"That the further consideration of the articles of union be yet delayed for some considerable time, that the sentiments of the parliament of England thereanent be known; and that the members of parliament may consult those whom they represent." In support of this motion, a number of petitions against the union, from various parts of the country, were presented and read, and it was urged that the real sentiment of the country was contrary to that of its representatives. It having been decided to proceed with the articles, a new dispute arose, whether they should begin at the beginning or in the middle, some urging that they should settle the particulars before they entered upon the general question, while others pleaded that it was useless entering upon the terms of a union before they had decided whether they would have a union or not. This question also was decided against the oppo-

sition, and it was resolved to proceed with the first article next day. The opposition then again brought up the question of the church, and next rested their hostility to the measure that it was contrary to the claim of right. The debate was long and very warm, and it was remarked as a proof of the force of party feeling, that persons now acknowledged the claim of right who had never acknowledged it before. The most remarkable feature of this day's debate was the speech of lord Belhaven, which presented a kind of summary of the most powerful arguments against the union, and was so much talked of at the time, that it deserves to be given entire. He said—“My lord chancellor,—When I consider this affair of a union betwixt the two nations, as it is expressed in the several articles thereof, and now the subject of our deliberations at this time, I find my mind crowded with a variety of very melancholy thoughts; and I think it my duty to disburden myself of some of them, by laying them before, and exposing them to the serious consideration of this honourable house. I think I see a free and independent kingdom delivering up that which all the world hath been fighting for since the days of Nimrod; yea, that for which most of all the empires, kingdoms, states, principalities, and dukedoms of Europe, are at this very time engaged in the most bloody and cruel wars that ever were—to wit, a power to manage their own affairs by themselves, without the assistance and counsel of any other. I think I see a national church, founded upon a rock, secured by a claim of right, hedged and fenced about by the strictest and pointedest legal sanction that sovereignty could contrive, voluntarily descending into a plain, upon an equal level with Jews, papists, Socinians, Arminians, anabaptists, and other sectaries, &c. I think I see the noble and honourable peerage of Scotland, whose valiant predecessors led armies against their enemies upon their own proper charges and expenses, now divested of their followers and vassalages, and put upon such an equal foot with their vassals, that I think I see a petty English exciseman receive more homage and respect than what was paid formerly to their quondam Macallanmores. I think I see the present peers of Scotland, whose noble ancestors conquered provinces, overrun countries, reduced and subjected towns and fortified places, exacted tribute through the

greatest part of England, now walking in the court of requests like so many English attorneys, laying aside their walking swords when in company with the English peers, lest their self-defence should be found murder. I think I see the honourable estate of barons, the bold asserters of the nation's rights and liberties in the worst of times, now setting a watch upon their lips and a guard upon their tongues, lest they be found guilty of *scandalum magnatum*. I think I see the royal state of boroughs, walking their desolate streets, hanging down their heads under disappointments; wormed out of all the branches of their old trade, uncertain what hand to turn to; necessitated to become apprentices to their unkind neighbours; and yet, after all, finding their trade so fortified by companies, and secured by prescriptions, that they despair of any success therein. I think I see our learned judges laying aside their practiques and decisions, studying the common law of England, gravelled with *certioraries*, *nisi priuses*, writs of error, verdicts indovar, *ejectione firmæ*, injunctions, demurs, &c., and frightened with appeals and avocations, because of the new regulations and rectifications they may meet with. I think I see the valiant and gallant soldiery, either sent to learn the plantation trade abroad, or at home petitioning for a small subsistence as the reward of their honourable exploits, while their old corps are broken, the common soldiers left to beg, and the youngest English corps kept standing. I think I see the honest, industrious tradesman, loaded with new taxes and impositions, disappointed of the equivalents, drinking water in place of ale, eating his saltless pottage; petitioning for encouragement to his manufactories, and answered by counter-petitions. In short, I think I see the laborious ploughman, with his corn spoiling upon his hands for want of sale, cursing the day of his birth, dreading the expense of his burial, and uncertain whether to marry or do worse. I think I see the incurable difficulties of the landed men, fettered under the golden chain of equivalents, their pretty daughters petitioning for want of husbands, and their sons for want of employments. I think I see our mariners delivering up their ships to their Dutch partners; and what through presses and necessity, earning their bread as underlings in the royal English navy. But above all, my lord, I think I see our ancient mother, Caledonia, like Cæsar, sitting in the midst of our senate, ruefully



looking round about her, covering herself with her royal garment, attending the fatal blow, and breathing out her last with a *et tu quoque mi fili*.

“Are not these, my lord, very afflictive thoughts? And yet they are but the least part suggested to me by these dishonourable articles: should not the consideration of these things vivify these dry bones of ours? Should not the memory of our noble predecessors’ valour and constancy rouse up our drooping spirits? Are our noble predecessors’ souls got so far into the English cabbage-stock and cauliflowers, that we should show the least inclination that way? Are our eyes so blinded, are our ears so deafened, are our hearts so hardened, are our tongues so faltered, are our hands so fettered, that in this our day—I say, my lord, that in this our day—that we should not mind the things that concern the very being and well-being of our ancient kingdom, before the day be hid from our eyes? No, my lord, God forbid! man’s extremity is God’s opportunity: he is a present help in time of need; and a deliverer, and that right early. Some unforeseen providence will fall out that may cast the balance; some Joseph or other will say, ‘Why do ye strive together, since you are brethren?’ None can destroy Scotland, save Scotland’s self; hold your hands from the pen, you are secure. Some Judah or other will say, ‘Let not our hands be upon the lad, he is our brother.’ There will be a Jehovah-Jireh, and some ram will be caught in the thicket, when the bloody knife is at our mother’s throat: let us up then, my lord, and let our noble patriots behave themselves like men, and we know not how soon a blessing may come.

“My lord, I wish from my heart that this my vision prove not as true as my reasons for it are probable: I design not at this time to enter into the merits of any one particular article; I intend this discourse as an introduction to what I may afterwards say upon the whole debate, as it falls in before this honourable house; and, therefore, in the further prosecution of what I have to say, I shall insist upon some few particulars, very necessary to be understood, before we enter into the detail of so important a matter. I shall therefore, in the first place, endeavour to encourage a free and full deliberation, without animosities and heats; in the next place, I shall endeavour to make an inquiry into the nature

and source of the unnatural and dangerous divisions that are now on foot within this isle, with some motives, showing that it is our interest to lay them aside at this time. Then I shall inquire into the reasons which have induced the two nations to enter into a treaty of union at this time, with some considerations and meditations with relation to the behaviour of the lords commissioners of the two kingdoms in the management of this great concern. And lastly, I shall propose a method by which we shall most distinctly, and without confusion, go through the several articles of this treaty without unnecessary repetitions or loss of time: and all this with all deference, and under the correction of this honourable house. My lord chancellor, the greatest honour that was done unto a Roman, was to allow him the glory of a triumph; the greatest and most dishonourable punishment was that of parricide: he that was guilty of parricide was beaten with rods upon his naked body till the blood gushed out of all the veins of his body, then he was sowed up in a leathern sack called a culeus, with a cock, a viper, and an ape, and thrown headlong into the sea. My lord, patricide is a greater crime than parricide all the world over. In a triumph, my lord, when the conqueror was riding in his triumphal chariot, crowned with laurels, adorned with trophies, and applauded with huzzas, there was a monitor appointed to stand behind him to warn not to be high-minded nor puffed up with overweening thoughts of himself, and to his chariot were tied a whip and a bell, to mind him, that for all his glory and grandeur, he was accountable to the people for his administration, and would be punished as other men if found guilty. The greatest honour amongst us, my lord, is to represent the sovereign’s sacred person in parliament; and, in one particular, it appears to be greater than that of a triumph, because the whole legislative power seems to be wholly intrusted with him: if he gives the royal assent to an act of the estates, it becomes a law obligatory upon the subject, though contrary or without any instructions from the sovereign: if he refuse the royal assent to a vote in parliament, it cannot be a law, though he has the sovereign’s particular and positive instructions for it. His grace the duke of Queensberry, who now represents her majesty in this session of parliament, hath had the honour of that great trust as often, if not more, than any Scotsman ever

had: he hath been the favourite of two successive sovereigns; and I cannot but commend his constancy and perseverance, that, notwithstanding his former difficulties and unsuccessful attempts, and maugre some other specialities not yet determined, that his grace has yet had the resolution to undertake the most unpopular measures last. If his grace succeed in this affair of a union, and that it prove for the happiness and welfare of the nation, then he justly merits to have a statue of gold erected for himself; but if it shall tend to the entire destruction and abolition of our nation, and that we the nation's trustees shall go into it, then I must say, that a whip and a bell, a cock, a viper, and an ape, are but too small punishments for any such bold unnatural undertaking and complaisance.

"That I may pave a way, my lord, to a full, calm, and free reasoning upon this affair, which is of the last consequence unto this nation, I shall mind this honourable house that we are the successors of our noble predecessors who founded our monarchy, framed our laws, amended, altered, and corrected them from time to time, as the affairs and circumstances of the nation did require, without the assistance or advice of any foreign power or potentate, and who, during the time of two thousand years, have handed them down to us a free, independent nation, with the hazard of their lives and fortunes; shall not we then argue for that which our progenitors have purchased for us at so dear a rate, and with so much immortal honour and glory? God forbid! Shall the hazard of a father unbind the ligaments of a dumb son's tongue? and shall we hold our peace when our *patria* is in danger? I speak this, my lord, that I may encourage every individual member of this house to speak their mind freely. There are many wise and prudent men amongst us who think it not worth their while to open their mouths; there are others who can speak very well, and to good purpose, who shelter themselves under the shameful cloak of silence, from a fear of the frowns of great men and parties. I have observed, my lord, by my experience, the greatest number of speakers in the most trivial affairs; and it will always prove so, while we come not to the right understanding of our oath *de fidei*, whereby we are bound not only to give our vote, but our faithful advice in parliament, as we should answer to God; and in our ancient laws the repre-

sentatives of the honourable barons and the royal boroughs are termed spokesmen: it lies upon your lordships, therefore, particularly to take notice of such whose modesty makes them bashful to speak: therefore I shall leave it upon you, and conclude this point with a very memorable saying of an honest private gentleman to a great queen, upon occasion of a state project, contrived by an able statesman, and the favourite to a great king, against a peaccable, obedient people, because of the diversity of their laws and constitutions:—'If at this time thou hold thy peace, salvation shall come to the people from another place, but thou and thy house shall perish.' I leave the application to each particular member of this house.

"My lord, I come now to consider our divisions. We are under the happy reign (blessed be God) of the best of queens, who has no evil design against the meanest of her subjects, who loves all her people, and is equally beloved by them again; and yet that, under the happy influence of our most excellent queen, there should be such divisions and factions, more dangerous and threatening to her dominions than if we were under an arbitrary government, is most strange and unaccountable. Under an arbitrary prince, all are willing to serve, because all are under a necessity to obey, whether they will or not: he chooses therefore whom he will, without respect to either parties or factions: and if he think fit to take the advices of his councils or parliaments, every man speaks his mind freely, and the prince receives the faithful advice of his people, without the mixture of self-design: if he prove a good prince, the government is easy; if bad, either death or a revolution brings a deliverance. Whereas here, my lord, there appears no end of our misery, if not prevented in time; factions are now become independent, and have got footing in councils, in parliaments, in treaties, in armies, in incorporations, in families, among kindred; yea, man and wife are not free from their political jars. It remains therefore, my lord, that I inquire into the nature of these things; and since the names give us not the right idea of the thing, I am afraid I will have difficulty to make myself well understood. The names generally used to denote the factions are whig and tory—as obscure as that of the Guclfs and Gibelins: yea, my lord, they have different significations, as they are applied to



factions in each kingdom; a whig in England is a heterogeneous creature; in Scotland, he is all of a piece: a tory in England is all of a piece, and a statesman; in Scotland, he is quite otherwise, an anti-courtier and anti-statesman. A whig in England appears to be somewhat like Nebuchadnezzar's image—of different metals, different classes, different principles, and different designs; yet, take them all together, they are like a piece of fine mixed drugget of different threads, some finer, some coarser, which after all make a comely appearance, and an agreeable suit. A tory is like a piece of loyal-made English cloth—the true staple of the nation, all of a thread: yet, if we look narrowly into it, we shall perceive diversity of colours, which, according to the various situations and positions, make various appearances; sometimes tory is like the moon in its full, as appeared in the affair of the bill of the occasional conformity; upon other occasions it appears to be under a cloud, and as if it were eclipsed by a greater body, as it did in the design of the calling over the illustrious princess Sophia. However, by this we may see their designs are to outshoot whig in his own bow. Whig in Scotland is a truc-blue presbyterian, who, without considering time or power, will venture their all for the kirk; but something less for the state. The greatest difficulty is, how to describe a Scots tory: of old, when I knew them first, tory was an honest-hearted comradish fellow, who, provided he were maintained and protected in his benefices, titles, and dignities by the state, he was the less anxious who had the government and management of the church: but now, what he is since jure-divinity came in fashion, and that christianity, and by consequence, salvation comes to depend upon episcopal ordination, I profess I know not what to make of him; only this I must say for him, that he endeavours to do, by opposition, that which his brother in England endeavours by a more prudent and less scrupulous method. Now, my lord, from these divisions there has got up a kind of aristocracy, something like the famous triumvirate at Rome; they are a kind of undertakers and pragmatic statesmen, who, finding their power and strength great, and answerable to their designs, will make bargains with our gracious sovereign, they will serve her faithfully, but upon their own terms: they must have their own instruments, their own measures; this man must be turned out,

and that man put in, and then they'll make her the most glorious queen in Europe. Where will this end, my lord? Is not her majesty in danger by such a method? Is not the monarchy in danger? Is not the nation's peace and tranquillity in danger? Will a change of parties make the nation more happy? No, my lord, the seed is sown that is like to afford us a perpetual increase; it is not an annual herb, it takes deep root, it feeds and breeds; and, if not timeously prevented by her majesty's royal endeavours, will split the whole island in two.

"My lord, I think, considering our present circumstances at this time, the Almighty God has reserved this great work for us: we may bruise this hydra of division, and crush this cockatrice's egg; our neighbours in England are not yet fitted for any such thing; they are not under the afflicting hand of providence as we are; their circumstances are great and glorious, their treaties are prudently managed both at home and abroad, their generals brave and valorous, their armies successful and victorious, their trophies and laurels memorable and surprising; their enemies subdued and routed, their strongholds besieged and taken, sieges relieved, marshals killed and taken prisoners, provinces and kingdoms are the results of their victories; the royal navy is the terror of Europe, their trade and commerce extended through the universe, encircling the whole habitable world, and rendering their own capital city the emporium for the whole inhabitants of the earth; and which is yet more than all these things, the subjects freely bestowing their treasury upon their sovereign; and above all, these vast riches, the sinews of war, and without which all the glorious success had proved abortive, these treasures are managed with such faithfulness and nicety, that they answer seasonably all their demands, though at never so great a distance. Upon these considerations, my lord, how hard and difficult a thing will it prove to persuade our neighbours to a self-denial bill. It is quite otherwise with us, my lord; we are an obscure, poor people, though formerly of better account; removed to a remote corner of the world, without name and without alliances, our posts mean and precarious; so that I profess I do not think any one post of the kingdom worth the bringing after, save that of being commissioner to a long session of a factious Scots parliament, with an antedated

commission, and that yet renders the rest of the ministers more miserable : what hinders us then, my lord, to lay aside our divisions to unite cordially and heartily together in our present circumstances, when our all is at the stake. Hannibal, my lord, is at our gates; Hannibal is come within our gates; Hannibal is come the length of this table; he is at the foot of this throne; he will demolish this throne: if we take not notice, he will seize upon these regalia; he will take them as our *spolia opima*, and whip us out of this house, never to return again. For the love 'of God, then, my lord, for the safety and welfare of our ancient kingdom, whose sad circumstances I hope we shall yet convert unto prosperity and happiness! We want no means, if we unite; God blesseth the peacemakers; we want neither men nor sufficiency of all manner of things necessary to make a nation happy: all depends upon management, *concordiæ res parvæ crescunt*. I fear not these articles, though they were ten times worse than they are, if we once cordially forgive one another, and that according to our proverb—'by-gones be by-gones, and fair play to come.' For my part, in the sight of God, and in the presence of this honourable house, I heartily forgive every man, and beg that they may do the same to me; and I do most humbly propose, that his grace my lord commissioner may appoint an agape, may order a love-feast for this honourable house, that we may lay aside all self-designs, and, after our fasts and humiliation, may have a day of rejoicing and thankfulness; may eat our meat with gladness, and our bread with a merry heart; then shall we 'sit each man under his own fig-tree, and the voice of the turtle shall be heard in our land,'—a bird famous for constancy and fidelity. My lord, I shall make a pause here, and stop going on further in my discourse, till I see further if his grace my lord commissioner receive any humble proposals for removing misunderstandings among us, and putting an end to our fatal divisions; upon honour I have no other design, and I am content to beg the favour upon my bended knees." No answer being given to this appeal, lord Belhaven proceeded:—"My lord chancellor,—I am sorry that I must pursue the thread of my sad and melancholy story: what remains, I am afraid, will prove as afflicting as what I have said; I shall therefore consider the motives which have engaged the two nations to enter

upon a treaty of union at this time: in general, my lord, I think both of them had in their view to better themselves by the treaty; but before I enter upon the particular motives of each nation, I must inform this honourable house, that since I can remember, the two nations have altered their sentiments upon that affair, even almost to downright contradiction; they have changed headbands, as we say; for England, till of late, never thought it worth their pains of treating with us; the good bargain they made at the beginning they resolve to keep, and that which we call an incorporating union was not so much as in their thoughts. The first notice they seemed to take of us, was in our affair of Caledonia; when they had most effectually broke off that design, in a manner very well known to the world, and unnecessary to be repeated here, they kept themselves quiet during the time of our complaints upon that head: in which time our sovereign, to satisfy the nation and allay their heats, did condescend to give us some good laws, and, amongst others, that of personal liberties and of peace and war; but England having declared their succession and extended their entail without ever taking notice of us, our gracious sovereign queen Anne was graciously pleased to give the royal assent to our act of security, and to give us a hedge to all our sacred and civil interests, by declaring it high treason to endeavour the alteration of them, as they were then established. Thereupon did follow the threatening and minatory laws against us by the parliament of England, and the unjust and unequal character of what her majesty had so graciously condescended to in our favour: now, my lord, whether the desire they had to have us engaged in the same succession with them; or whether that they found us like a free and independent people, breathing after more liberty than what formerly was looked after; or whether they were afraid of our act of security, in case of her majesty's decease; which of all these motives has induced them to a treaty, I leave it to themselves: this I must say only, they have made a good bargain this time also. For the particular motives that induced us, I think, they are obvious to be known; we found by sad experience that every man hath advanced in power and riches, as they have done in trade, and at the same time considering that nowhere through the world slaves are found to be rich, though they



should be adorned with chains of gold, we thereupon changed our notion of an incorporating union to that of a federal one; and being resolved to take this opportunity to make demands upon them, before we enter into the succession, we were content to empower her majesty to authorise and appoint commissioners to treat with the commissioners of England, with as ample powers as the lords commissioners from England had from their constituents, that we might not appear to have less confidence in her majesty, nor more narrow-hearted in our act than our neighbours of England; and thereupon last parliament, after her majesty's gracious letter was read, desiring us to declare the succession in the first place, and afterwards to appoint commissioners to treat, we found it necessary to renew our former resolve, which I shall read to this honourable house:—

*“ ‘Resolve presented by the duke of Hamilton last session of parliament.*

*“ ‘That this parliament will not proceed to the nomination of a successor, till we have had a previous treaty with England, in relation to our commerce and other concerns with that nation. And farther, it is resolved, that this parliament will proceed to make such limitations and conditions of government, for the rectification of our constitution, as may secure the liberty, religion, and independency of this kingdom, before they proceed to the said nomination.’*

*“ Now, my lord, the last session of parliament having, before they would enter upon any treaty with England, by a vote of the house, passed both an act for limitations and an act for rectification of our constitution, what mortal man has reason to doubt the design of this treaty was only federal? My lord chancellor, it remains now that we consider the behaviour of the lords commissioners at the opening of this treaty. And before I enter upon that, allow me to make this meditation,—that if our posterity, after we are all dead and gone, shall find themselves under an ill-made bargain, and shall have a recourse unto our records, and see who have been the managers of that treaty, by which they have suffered so much; when they read the names, they will certainly conclude and say, ‘Ah! our nation has been reduced to the last extremity at the time of this treaty; all our great chieftains, all our great peers and considerable men, who used formerly to defend the rights and liberties of the nation, have been all killed and dead*

*in the bed of honour, before ever the nation was necessitated to condescend to such mean and contemptible terms: where are the names of the chief men of the noble families of Stewarts, Hamiltons, Grahams, Campbells, Gordons, Johnstons, Homes, Murrays, Kers, &c.? Where are the two great officers of the crown, the constable and the marischal of Scotland? They have certainly all been extinguished, and now we are slaves for ever.’ Whereas the English records will make their posterity reverence the memory of the honourable names who have brought under their fierce, warlike, and troublesome neighbours, who had struggled so long for independency, shed the best blood of their nation, and reduced a considerable part of their country to become waste and desolate. I am informed, my lord, that our commissioners did indeed frankly tell the lords commissioners for England, that the inclination of the people of Scotland were much altered of late, in relation to an incorporating union, and that therefore since the entail was to end with her majesty's life, whom God long preserve, it was proper to begin the treaty upon the foot of the treaty the 1604th year of God, the time when we came first under one sovereign; but this the English commissioners would not agree to, and our commissioners, that they might not seem obstinate, were willing to treat and conclude in the terms laid before this honourable house, and subjected to their determination. If the lords commissioners for England had been as civil and complaisant, they should certainly have finished a federal treaty likewise, that both nations might have the choice, which of them to have gone into, as they thought fit; but they would hear of nothing but of an entire and complete union, a name which comprehends a union either by incorporation, surrender, or conquest; whereas our commissioners thought of nothing but a fair, equal, incorporating union: whether this be so or not, I leave it to every man's judgment; but as for myself, I must beg liberty to think it no such thing. For I take an incorporating union to be, where there is a change both in the material and formal points of government, as if two pieces of metal were melted down into one mass, it can neither be said to retain its former form or substance, as it did before the mixture. But now when I consider this treaty, as it hath been explained and spoke to before us these three weeks past, I see the English consti-*

tution remaining firm, the same two houses of parliament, the same taxes, the same customs, the same excises, the same trade in companies, the same municipal laws and courts of judicature, and all ours either subject to regulations, or annihilations: only we have the honour to pay their old debts, and to have some few persons present for witnesses to the validity of the deed, when they are pleased to contract more. Good God! what, is this an entire surrender? My lord, I find my heart so full of grief and indignation, that I must beg pardon, not to finish the last part of my discourse, that I may drop a tear as the prelude to so sad a story."

This speech was replied to by the earl of Marchmont, whose remarks excited some merriment by their epigrammatic brevity. He said he had heard a long speech, and a very terrible one, but he was of opinion that it required only a short answer, which he gave in these words:—"Behold he dreamed; but, lo! when he awoke, he found it was a dream."

Lord Belhaven's speech was calculated to furnish arguments for disquisition and agitation among the populace, but otherwise it had no great effect. The agitators had so far failed in their design of overawing the parliament by the violence of the mob, a failure which perhaps, as was then stated, was owing partly to the impatience of the mob itself. They had now recourse to another method of outward pressure, which was not so much practised in Scotland, but which had been frequently used in England—the overwhelming parliament with petitions. This was easy to perform in the existing state of excitement, and with the active party agents who were employed throughout the country, and numerous signed petitions from various boroughs and shires soon crowded in. The friends of the measure at first proposed to get up counter-petitions, and some of these would perhaps have been more respectably signed than most of those against the union; but on further consideration, as the signatures would without doubt have been far less numerous, it seemed that this would have been only an avowal of weakness. When parliament met on the 4th of November, before they proceeded in the discussion of the first article of the treaty, addresses against it were presented from the barons, freeholders, and others of the shires of Stirling and Dumbarton, from the magistrates, town-council,

deacons of crafts, and burgesses of Linlithgow, and from the heritors and other inhabitants of the towns and parishes of Dunkeld and Dysart; and as soon as the motion for the approval of the first article had been read, the opposition proposed the following amendment:—"Whereas it evidently appears since the printing, publishing, and considering of the articles of treaty now before this house, this nation seems generally averse to this incorporating union in the terms now before us, as subversive of the sovereignty, fundamental constitution, and claim of right of this kingdom, and as threatening ruin to this church as by law established; and since it is plain, that if a union were agreed to in these terms by this parliament, and accepted of by the parliament of England, it would in no sort answer the peaceable and friendly ends proposed by a union, but would, on the contrary, create such dismal distractions and animosities amongst ourselves, and such jealousies and mistakes betwixt us and our neighbours, as would involve these nations into fatal breaches and confusions; therefore, resolved, that we are willing to enter into such a union with our neighbours of England, as shall unite us entirely, and after the most strict manner, in all their and our interests of succession, wars, alliances, and trade, reserving to us the sovereignty and independency of our crown and monarchy, and immunities of the kingdom, and the constitution and frame of the government both of church and state, as they stand now established by our fundamental constitution, by our claim of right, and by the laws following thereupon; or resolved, that we will proceed to settle the same succession with England, upon such conditions and regulations of government, within ourselves, as shall effectually secure the sovereignty and independency of this crown and kingdom, and the indissoluble society of the same, with the fundamental rights and constitutions of the government both of church and state, as the same stands established by the claim of right, and other laws and statutes of this kingdom." Not content, however, with this amendment, as it was seen that the government had a decided majority in the house, the duke of Athol gave in the following protest, before the amendment or the motion was put to the vote:—"That he for himself and all others who shall adhere, protested, that an incorporating union of the crown and kingdom



of Scotland with the crown and kingdom of England, and that both nations should be represented by one and the same parliament, as contained in the articles of the treaty of union, is contrair to the honour, interest, fundamental laws, and constitution of this kingdom, the birthright of the peers, the rights and privileges of the barons and boroughs, and is contrair to the claim of right, property, and liberty of the subjects, and third act of her majesty's parliament, 1703, by which it is declared 'high treason in any of the subjects of this kingdom, to quarrel, or endeavour by writing, malicious and advised speaking, or other open act or deed, to alter or innovate the claim of right, or any article thereof;' and reserving liberty to him and his adherents to renew their protestation against farther proceedings in the said matter, and to adjoin their reasons for the same, and desired this his protestation to be marked in the records of parliament." On a division, the first act of the union was approved and agreed to; but the duke of Athol's protest was signed by the following noblemen and others, whose names may be given once for all, as nearly the same persons signed all the numerous protests which followed. The signatures were those of the duke of Hamilton, the marquis of Annandale, the earls of Errol, Marischal, Wigton, Strathmore, Selkirk, and Kincardine, viscounts Stormont and Kilsyth, the lords Semple, Oliphant, Balmerino, Blantyre, Bargany, Belhaven, Colvin, and Kinnaird; George Lockhart, of Carawarth; sir James Foulis, of Collingtoun; Andrew Fletcher, of Saltoun; sir Robert Sinclair, of Longformacus; sir Patrick Home, of Rentoun; John Sinclair, younger, of Stevenson; John Sharp, of Hoddam; Mr. Alexander Ferguson, of Isle; John Brishain, of Bishoptoun; Mr. William Cochran, of Kilmaronock; sir Humphrey Colquhoun, of Luss; John Grahame, of Killairn; James Grahame, of Buckleyvie; Thomas Sharp, of Houstoun; sir Patrick Murray, of Auchtertyre; John Murray, of Strowan; John More, of Stonywood; David Beaton, of Balfour; Mr. Thomas Hope, of Rankilor; Mr. Patrick Lyon, of Auchterhouse; Mr. James Carnegie, of Phinhaven; David Grahame, younger, of Fintrie; James Ogilvie, younger, of Boyn; Mr. George Mackenzie, of Inchcoulter; Alexander Robertson, Walter Stuart, Alexander Watson, Alexander Edgar, John Black, James Oswald, Robert Johnstoun, Alexander Duff, Francis Mollison, Walter

Scot, George Smith, Robert Scot, Robert Kellie, John Hutchison, Mr. William Sutherland, Archibald Shiels, Mr. John Lyon, George Spence, Mr. William Johnstoun, Mr. John Carruthers, George Home, John Baine, and Mr. Robert Frazer. After this article had been agreed upon, an overture for an act for security of the true protestant religion and government of the church, as by law established within this kingdom, was read, and ordered to be printed.

The debate on this day had been so warm, that at the next meeting little more was done than presenting addresses against the union, and passing the act for the security of the true protestant religion and government of the church through a first reading. This act occupied parliament during several successive meetings, while the addresses against the union became more numerous every day. In the course of the debate on the act for the security of the church, it was remarked that those who spoke most warmly for the church were those who were known to care really least about it, and indeed that the episcopalians were more forward in the support of presbytery than the presbyterians themselves. This act was finally passed on the 12th of November, but a paper was given in by lord Belhaven, purporting, "That he did protest in his own name, and in name of all those who shall adhere to him, that this act is no valid security to the church of Scotland, as it is now established by law, in case of an incorporating union, and that the church of Scotland can have no real and solid security by any manner of union, by which the claim of right is unhinged, our parliament incorporated, and our distinct sovereignty and independency abolished."

Finding themselves in a clear minority in parliament, the opponents of the union now had recourse again to their old tactics of delaying the proceedings, and it was not till the 15th of November that the second article of the union was brought under consideration. The opposition now pretended a great anxiety for the settlement of the succession, and the marquis of Annandale brought forward a motion, "That the parliament do proceed to settle the succession upon regulations and limitations in the terms of the resolve given in and narrated in the minutes of the 4th of November instant, and not in the terms of the second article of union." It was also moved, "To address her majesty,

and to lay before her the condition of the nation, and the great aversion in many persons to an incorporating union with England, and to acquaint her majesty of the inclinations and willingness to settle the succession in the protestant line, upon limitations; and in order thereto, that some recess be granted." These motions gave rise to another warm debate, and, seeing the question would be carried against them, the opposition gave in a protest to the following effect:—"That no person can be designed a successor to the crown of this realm after the decease of her majesty (whom God long preserve), and failziing heirs of her body, who is successor to the crown of England; unless that in this present session of parliament, or any other session of this or any ensuing parliament during her majesty's reign, there be such conditions of government settled and enacted as may secure the honour and sovereignty of this crown and kingdom, the freedom, frequency, and power of parliament, the religion, liberty, and trade of the nation, from English or any foreign influence."

On this occasion the lord Belhaven seconded the marquis of Annandale, in a speech which was calculated, like the former, for popular effect, and which was likewise printed for distribution. He said—"My lord chancellor,—Your lordship may remember the last day when we had under consideration whether to proceed to the fourth or second article, that I did witness my concern and resentment, to find so many honourable and worthy members of this house so forward to finish the demands of England in this treaty, without taking notice of any one article that could be properly said to relate to the demands of Scotland. Now that we are entered upon the second article, I desire to be resolved in one question—what are the motives that should engage us to take England's succession upon their own terms? Is it not strange that no answer should be given to this question; save that, when you come to consider the rest of the articles, you shall be satisfied on that demand. This is a new way of arguing, my lord; a method without precedent, reversing nature, and looks more like design than fair dealing. I profess I think the huge and prodigious rains that we have had of late, have either drowned out, or found out another channel for reasoning than what was formerly; for by what I can see by this new method, the agreeing to the

first article shall be found a sufficient reason why we should agree to the second, and the agreeing to the second for the third, and so for all. If there was ever such a farce acted; if ever reason was Hudibrased, this is the time: consult all the treaties since the beginning of the world to this day, and if you can find any one precedent, I shall yield the cause. I shall instance, my lord, one for all; and that is, the first and worst treaty that ever was set on foot for mankind; and yet, I am sorry to say it, there appears more ingenuity in it than in our procedure. When the serpent did deceive our mother Eve, he proposed three advantages before he presumed to advise her to eat the forbidden fruit: the first was taken from the sight, the second from the taste, and the third from the advantage following thereupon. That from the sight was enforced by a 'Behold, how lovely and comely a thing it is! it's pleasant to the eye.' That from the taste, from a persuasion that it was good for nourishment—'It's good for food.' That from the advantage—'It will make you wise, ye shall be as the gods; therefore, upon all these considerations, eat.' Allow me, my lord, to run the parallel of this with relation to our procedure in this treaty. Upon the first account that our nation had of the treaty's being finished betwixt the two nations, people appeared all generally very well satisfied, as a thing that would tend to the removal of all jealousies, and the settling a good understanding betwixt the two kingdoms; but so soon as the articles of the treaty appeared in print, the very sight of them made such a change as is almost inconceivable; they were so far from being pleasant to the eye, my lord, that the nation appears to abhor them. One would think, my lord, that it had been the interest of those who are satisfied with the thing, to have gone immediately into the merits of these particular articles which relate to Scotland, and to have said, 'Gentlemen, be not affrighted with their ugly shape, they are better than they are bonny; come, taste; come, make a narrow search and inquiry; they are good for Scotland; the wholesomest food that a decaying nation can take: you shall find the advantages, you shall find a change of condition, you shall become rich immediately; you shall be like the English, the most flourishing and the richest people of the universe.' But our procedure, my lord, hath been very far from the prudence of the serpent; for all our arguments have run



upon this blunt topic—‘Eat, swallow down this incorporating union; though it please neither eye nor taste, it must go over: you must believe your physicians, and we shall consider the reasons for it afterwards.’ I wish, my lord, that our loss be not in some small manner proportionable to that of our first parents; they thought to have been incorporate with the gods: but in place of that, they were justly expelled paradise, lost their sovereignty over the creatures, and were forced to earn their bread with the sweat of their brows. My lord chaneellor, I have heard a proposal made from the other side, by the marquis of Annandale—that, in place of agreeing to this second article, wherein the succession is to be declared, as a consequence of our being united to England in one kingdom, we should immediately go to entail our crown upon the illustrious family of Hanover, upon such conditions and limitations as are in our own power to make, for the security of our sacred and civil concerns. I think this is the import of what his lordship gave in, by a resolve formerly, and hath told this honourable house, that he thinks he acts consequentially to his former declared principles, and that this is now the only measure which can settle and secure the peace and quiet of this nation, and fix a firm security for the protestant interest, and a perfect understanding betwixt the two nations. I have also heard a discourse by his grace the duke of Hamilton, showing, that ever since his grace had the honour to be a member of this honourable house, he had made it his business to serve the sovereign and his nation faithfully and honestly, without any by-ends, by-views, or self-interests; that before the affair of the succession was tabled in Scotland, he had endeavoured to promote the interest of his nation by good laws, and by the best counsels he was capable to give, for rectifying things amiss, and advancing the solid interest of his country; that since the affair of the succession came to be considered, he could never give himself the liberty to believe but that previous to any settlement, we ought to have had such condescensions with relation to trade and commerce from England, as might retrieve the losses the nation hath sustained from them ever since the union of the two crowns under one sovereign; and that thereupon, to prevent all faction and party in the treating of an affair of such importance, he had freely left the nomina-

tion of the lords commissioners to her majesty, and wishes the choice had been answerable to his design; but none can accuse him as bargaining for himself, since he has no reason to complain of the breach of any stipulation upon that head; that now, having considered the articles of this treaty lying before us, and the fatal consequences that may follow upon the finishing of an incorporating union with England, with the general aversation that appears by the addresses from the several shires of the kingdom, and particularly from the address of the commission of the general assembly, and of the royal boroughs of Scotland, he finds it necessary to alter his thoughts of that matter; that he was none of those who loved to keep things loose and in confusion: he had an estate in both kingdoms, and therefore it was not to be supposed he would make use only of a treaty to throw out the succession one time, and of the succession to throw off the treaty another time. Therefore, to prevent worse consequences, he is content, that in this parliament the succession be declared and settled upon the illustrious princess Sophia electoress of Hanover, and the heirs of her body, upon such conditions and limitations as shall be found necessary by this parliament, to secure our civil rights and liberties, the independency and sovereignty of the nation, and the presbyterian government of this church, as it is founded upon the claim of right, and established by law, and whose privileges and settlement he resolves to support with the utmost of his power. And therefore, his grace thinks himself obliged, with all humility in this present juncture of affairs, to address himself particularly to his grace my lord commissioner, and to beg of his grace, that he would be pleased to acquaint her majesty with the true state of the nation, and with the proposal made for allaying the present ferment, and settling a solid peace and good understanding betwixt her two kingdoms, and that a small recess may be granted in the meantime, till her majesty's gracious answer come, which, with all submission, he conceives will prevent these bad consequences that the further pushing on of this treaty may occasion. I think, my lord, this is materially what his grace said, though not so fully nor so well expressed. Now, my lord, it remains that I give account of myself, and of my own opinion of this affair: all who know me, my lord, know that I have been from the beginning on a

revolution foot; I ventured my life and fortune with the first, and I have ever since acted consequentially to my principle. It's true, I was never a good courtier under any reign, because I had a rule for my obedience, and never made obedience my rule; my reputation was never stained, nor had I ever any reproach laid upon me, save when I was brought in, head over ears, in a Scots plot, very well known, designed to blast the reputation of a set of people the best affected to the sovereign, and to the true interest of their nation, that ever Scotland bred. What my opinion was with relation to the succession is very well known also: I looked upon limitations with another eye than some others were pleased to do; I was far from treating them in ridicule; because, as all human affairs, they are liable to alterations, and might be taken off: that argument proves too much, and consequently proves nothing at all. Should a man refuse to have a good estate settled upon him, because he may squander it away, and become bankrupt? Must a good law be refused, because it may afterwards be repealed? No, my lord. Where the power is lodged in ourselves, we have all human security imaginable for the thing; it is not so, where the power is lodged in others: therefore I shall always choose that security which depends upon myself, preferable to any other. This, my lord, hath confirmed me that limitations of our own making is the best security; though I always thought them not the full of what we merited for the going into the English succession. For considering the injuries that we have received from them, we ought to have reparation upon this emergent; and I think, without incorporating with them, they might have given us some small encouragement in our trade with them, which would have been profitable unto us, and no manner of way prejudicial unto them, as I can clearly demonstrate if there be occasion for it. But since this is not the proper place nor season for such proposals, I shall go in with the proposal made by the marquis of Annandale, and fortified by his grace the duke of Hamilton; because I think it is the best that we can make of it at this time, the fittest measure to prevent civil wars, allay the ferment of the nation, and far preferable to this incorporating union, which, as to us, in all its clauses, appears to be most unreasonable."

After the presentation of numerous ad-

resses against it, and long and warm debates, the third article of the act was passed on the 18th of November. The following protest was drawn up by the marquis of Annandale:—"Whereas it evidently appears, since the printing, publishing, and considering of the articles of treaty now before this house, this nation seems generally averse to this incorporating union, in the terms now before us, as subversive of the sovereignty, fundamental constitution, and claim of right of this kingdom, and as threatening ruin to this church as by law established. And since it is plain, that if a union were agreed to in those terms by this parliament, and accepted of by the parliament of England, it would in no sort answer the peaceable and friendly ends proposed by a union; but would on the contrary create such dismal distractions and animosities amongst ourselves, and such jealousies and mistakes betwixt us and our neighbours, as would involve these nations into fatal breaches and confusions. Therefore, I do protest for myself, and in the name of all those who shall adhere to this my protestation, that an incorporating union of the crown and kingdom of Scotland with the crown and kingdom of England, and that both nations shall be represented by one and the same parliament, as contained in the articles of the treaty of union, is contrair to the honour, interest, fundamental laws, and constitutions of this kingdom; is a giving up of the sovereignty, the birth-right of the peers, the rights and privileges of the barons and boroughs; as is contrair to the claim of right, property, and liberty of the subjects, and third act of her majesty's parliament, 1703, by which it is declared high treason, in any of the subjects of this kingdom to quarrel, or endeavour by writing, malicious and advised speaking, or other open act or deed, to alter or innovate the claim of right, or any article thereof: as also, that the subjects of this kingdom, by surrendering their parliaments and sovereignty, are deprived of all security, both with respect to such rights as are by the intended treaty stipulated and agreed, and with respect to such other rights both ecclesiastic and civil, as are by the same treaty pretended to be reserved to them. And therefore, I do protest, that this shall not prejudice the being of future Scots parliaments and conventions within the kingdom of Scotland, at no time coming."

The subject of this third article, against



which many of the petitions were particularly directed, was the uniting of the two parliaments, which the opponents of the union called a surrendering the sovereignty of Scotland to the English. The principal arguments they employed were—That uniting the parliament, was actually giving up the constitution of Scotland; that it was subjecting Scotland to England; that it was dangerous to the church of Scotland, whose government was to be subjected to a parliament of episcopal representatives; and that it was contrary to the national oath or covenant. It was further alleged, that whatever agreement was now concluded between the two kingdoms, would never be binding to the new parliament; and that the two kingdoms effectually subjected themselves to the new parliament, all the conditions stipulated on either side to the contrary in anywise notwithstanding. To these allegations it was answered, that the British parliament was absolutely bound by the stipulations of the treaty; and that they being a subsequent power to the two respective parliaments of either kingdom, had no other or farther power to act than was limited them by the stipulations of both kingdoms, all subsequent power being inferior in extent to the power which it derives from. That the parliament of Britain, being the creature of the union, formed by express stipulations between the two separate parliaments of England and Scotland, cannot but be unalterably bound by the conditions so stipulated, and upon which it received its being, name, and authority. To the objection, that there was a surrender of sovereignty and constitution, and that Scotland was to be delivered, bound hand and foot, into the absolute disposal of the English, it was answered, that the union itself constituted the parliament of Britain, by treaty between the two nations, by their heads and representatives, the queen and parliament of each kingdom; that it was brought to pass by mutual altering their respective constitutions, and forming one general constitution upon a treaty of equalities and equivalents, the stipulations of which treaty were agreed to by the constituent parts of the subsequent body. The right of the present respective parliaments, it was said, depended upon the natural right of the freeholders of both kingdoms, which entitled them, by the possession of their lands, to have the free exercise and power of making the laws by which they were to be governed; and the

new constitution, instead of destroying that right, which it could not do, reserved and protected it, it being agreed to limit the exercise of it by such and such forms, and on such and such conditions; which conditions were the limitations of the power of the new parliament, as being the act and deed of the old parliaments, whose constitution was founded on original right. The next popular argument was, that the parliament had not a power to make this union, or, as it was worded in the public addresses, "That it is not in the power of the Scots government to conclude such a union, without a manifest violation of trust, and without doing a manifest act of injustice, oppression, and usurpation against the fundamental rights and liberties of this free kingdom." This was answered by insisting upon the right parliaments had to lessen, enlarge, or limit the representative. Another argument was not pressed in the parliament, but was made much of out of doors—that the church government of Scotland was endangered by the uniting the representative. It was alleged—(1.) That the British parliament being chiefly composed of persons of another communion, might, whenever they pleased, by a majority of votes overpowering the Scots, overthrow their church, introduce episcopacy, and reduce the presbyterians to a toleration, or perhaps worse; and, (2.) That there being twenty-six English bishops sitting in the house of peers, and who were by this treaty to continue sitting there; this was subjecting Scotland, in all its future laws, to the suffrage of bishops, and by consenting to the treaty in which they were established, it was recognising and establishing episcopacy, which was to involve the kingdom of Scotland in national perjury, they being obliged by the national covenant, never to subject themselves to episcopacy, but to their power to reform the churches of both kingdoms.

All these imaginary dangers were multiplied and magnified in the popular discourse out of doors, and the mob began again to assume an alarming character. The rage of the populace was further alimented by continual reports of insurrections in the provinces, and it was fully believed that the force of the country was assembling in arms with the design of marching to the capital and dispersing the parliament. Not only was the commissioner hooted at and insulted as he passed along the streets, but he received almost daily anonymous letters

containing threats of assassination or intimations of personal danger. In consequence of the warm debates on the third article on the 18th of November, the house did not separate until a late hour, and the mob had collected in great numbers, and waited impatiently to hear the result. The darkness of the night encouraged them to greater acts of violence; and when the commissioner came out of the parliament house, they attacked him and his escort with the most opprobrious epithets, and followed them all the way to the palace, pelting them with stones and other missiles, so that the duke of Queensberry himself narrowly escaped severe injury. When parliament met next day, this outrage excited a very unusual sensation, and a committee of inquiry was appointed.

The general terms of the union had now been approved of by the parliament, which proceeded next to the particulars; and the various questions of taxes, trade, and equivalent, caused much discussion in the house, and still more outside. The mob of the capital was now held in awe, but the discontent in the country was assuming a more threatening form. The agitation was greatest in the west, where imaginary fears of the danger of the church acted upon the religious excitability of the Cameronians. Agents were sent through the country who secretly urged them to take up arms under this influence, and they actually chose their officers, formed themselves into regiments, and provided themselves with horses, arms, and ammunition. On the 20th of November, a body of about two hundred men, well armed, entered the town of Dumfries about mid-day, and having made a fire in the market-place, they committed to the flames the articles of the union and a paper containing the names of the commissioners who had negotiated the treaty. They then left the town, after affixing to the cross the following paper, which was subsequently printed and circulated:—"These are to notify to all concerned, what are our reasons for, and designs in, the burning of the printed articles of the proposed union with England, with the names of the Scots commissioners, subscribers thereof; together with the minutes of the whole treaty betwixt them and the English commissioners thereanent. We have herein no design against her majesty, nor against England, or any Englishman; neither against our present parliament, in their acts or actings

for the interest, safety, and sovereignty of this our native and ancient nation; but to testify our dissent from, discontent with, and protestation against, the twenty-five articles of the said union, subscribed by the foresaid commissioners, as being inconsistent with, and altogether prejudicial to, and utterly destructive of, this nation's independency, crown rights, and our constitute laws, both sacred and civil. We shall not here condescend upon the particular prejudices that do and will redound to this nation, if the said union should be carried on according to the printed articles, but refer the reader to the variety of addresses given in to the present parliament by all ranks, from almost all corners of this nation, against the said union; only we must say and profess, that the commissioners for this nation have been either simple, ignorant, or treacherous (if not all three), when the minutes of the treaty betwixt the commissioners of both kingdoms are duly considered; and when we compare their dastardly yieldings unto the demands and proposals of the English commissioners, who, on the contrary, have valiantly acquitted themselves for the interest and safety of their nation. We acknowledge it is in the power of the present parliament to give remissions to the subscribers of the foresaid articles; and we heartily wish for a good agreement amongst all the members of the parliament, so as it may tend to the safety and preservation of both church and state, with all the privileges belonging thereto, within the kingdom of Scotland. But if the subscribers of the foresaid treaty and union, with their associates in parliament, shall presume to carry on the said union, by a supreme power, over the belly of the generality of this nation; then, and in that case, as we judge that the consent of the generality of the same can only divest them of their sacred and civil liberties, purchased and maintained by our ancestors with their blood; so we protest, whatever ratification of the foresaid union may pass in parliament contrary to our fundamental laws, liberties, and privileges, concerning church and state, may not be binding upon the nation, now or at any time to come: and particularly we protest against the approbation of the first article of the said union, before the privileges of this nation, contained in the other articles, had been adjusted and secured; and so we earnestly require, that the representatives in parlia-



ment, who are for our nation's privileges, would give timeous warning to all the corners of the kingdom, that we and our posterity become not tributary and bond-slaves to our neighbours, without acquitting ourselves as becomes men and Christians: and we are confident that the soldiers now in martial power, have so much of the spirits of Scotsmen, that they are not ambitious to be disposed of at the pleasure of another nation: and we hereby declare, that we have no design against them in this matter."

The opponents of the union represented this tumult in a far more serious character than it merited, but riots followed which showed the alarming degree of agitation that now prevailed in the west. It is said that the armed Cameronians offered to place themselves under the direction of the duke of Hamilton, and that he secretly encouraged them; that upon this they recoiled themselves with the episcopalians and cavaliers, and that they proposed to march to Edinburgh and dissolve the parliament; while the duke of Athol undertook to secure the pass of Stirling with his highlanders, so as to be master of the communication between the northern and western parts of the kingdom. It appears that seven or eight thousand men were actually ready to appear in arms at the town of Hamilton, for the purpose of marching to the capital, when the duke changed his mind from prudential motives, and privately sent his messengers through the country, with directions to the people to defer their meeting for the present. The more sanguine of the jacobites were indignant at this proceeding, and accused the duke of Hamilton of treachery to their cause; but he alleged in his defence, that the nation was not in a condition to take up arms with any prospect of defence, since English troops had already been detached to the border, and considerable forces might quickly be brought over from Holland to join with them. A stop was thus put to the design of a serious rising, but the general agitation occasioned several rather violent outbursts, the most alarming of which occurred at Glasgow in the early part of the month of November. The magistrates of this city had hitherto declined addressing the parliament against the union, as most of the royal burghs had done; and when a deputation waited on the provost to urge the propriety of an address, he gave them his reasons for believing that such a

measure was, under all the circumstances, unadvisable. There remained, however, much discontent among the populace of the town, which was worked up to a head by the indiscretion of a presbyterian preacher. On the 7th of November, the day after the fast appointed by the commission of the assembly was kept in Glasgow, the minister of the Tron kirk took for his text the words in Ezra (viii., 21), "And I proclaimed a fast at the river of Ahava, that we might afflict ourselves before our God, to seek of him a right way for us, and for our little ones, and for all our substance." In the course of his sermon, the preacher dwelt upon the sad condition of the time, and told his hearers how forward Glasgow had ever been in the good cause. "Addresses," he said, "would not do, and prayers would not do; there must be other methods: it is true prayer was a duty, but we must not rest there; wherefore," he exclaimed, "up and be valiant for the city of our God!" The sermon ended about eleven o'clock, and the people were so inflamed, that at one o'clock a considerable mob had assembled, and were parading the city with beat of drum.

Next day, the deacons of the trades, with a certain number of the handicraftsmen of the town, came to the council-room in the tolbooth, and the deacons of trades, and some others, leaving the people below, went up to the provost, and demanded very rudely if he would address. The provost calmly replied, that he was not satisfied to address; and the laird of Blackhouse, one of the chief inhabitants, employed many arguments to persuade them to be easy and satisfied, and not to promote any disorders in the city. Meanwhile, the number of the people outside had increased, and they began to be tumultuous; and no sooner did the deacons come out, and report that the provost had refused to address, than they fell to shouting, and raging, and throwing stones, and raised a very great uproar. They first directed their vengeance against the provost; but he found means to withdraw. They then went to the provost's house, broke into it, and took away all his arms, and thence to the laird of Blackhouse's dwelling, and broke his windows. The provost being no longer to be found, the populace proceeded to draw up and sign an address, which was sent with a deputation to Edinburgh. The people now seemed to be satisfied, and the provost, who had fled to Edinburgh, came home again. But

a very trifling incident soon afterwards raised a new flame. One of the magistrates had committed a profligate fellow, named Parker, to the tolbooth for theft, because he had offered to sell a musket, or some other things, stolen from the provost's house during the late tumult. This man lay in the tolbooth for some time: but as people were observed at dusk holding suspicious communication with him through the bars of the prison, the provost, apprehending that the imprisonment of this fellow might be a pre-tence for a new disturbance, resolved to discharge him; but, that it might not seem to be done for fear, took a bond of him to appear again when called for. Among the people who came to talk with him at the grate was one Finlay, who had formerly been a sergeant in Dumbarton's regiment in Flanders, and openly professed himself a jacobite. It was he who told his comrades that the magistrates had taken a bond of Parker; and the next morning Finlay came with a rabble to the clerk's chamber, another office in the tolbooth, where the magistrates met, and there demanded this bond of the clerk. The magistrates, willing to take away all occasions of tumult, ordered the bond to be delivered up. The mob, who had now the full command of the town, still kept together, resolving to insult the provost at his coming out, and accordingly, on his appearance, they gathered about him, thrusting and abusing him, and threw at him stones and dirt. He would have made for his own residence, but the multitude increasing and growing furious, he took shelter in a house, and running up a staircase, escaped the rabble for the time, they pursuing him into a wrong house. Having escaped this imminent danger, the provost was conveyed out of town the next day by his friends, and went for the second time to Edinburgh. The rabble, now entire masters of the town, ranged through the streets, and did what they pleased, no magistrate daring to show his face to them. They soon began to search for arms in all the houses of those that had appeared for the union; upon which the magistrates assembled, and resolved to raise some strength to oppose this violence; and accordingly ordered the town guards to be doubled that night, and removed the place of arms from the usual guard-house to the tolbooth. Orders were accordingly sent to all the captains of the city militia, that each should bring twelve men, such as they could depend upon, to

assist in securing the peace of the city. This select guard, which was independent of the regular guard of the town, was placed in the council-chamber in the tolbooth. The rabble, about nine o'clock at night, gathered about the tolbooth, and seeing a sentinel placed at the top of the stair, Finlay was ordered by the mob to go up and see what they were doing. When he came to the top of the stair, the sentinel challenged him and thrust him back; but he thrust in with the sentinel, and was passing by him, when one of the citizens of the select guard, having made his way through the mob, mounted the staircase, and seeing a fellow assault the sentinel, boldly stepped up to him and knocked him down on the stair-head with the butt-end of his musket, and then gave the alarm to the guard.

The guard, headed by lieutenant Lindsay, an old soldier of king William's, but now a burghess and inhabitant of the city, came and drew up at the foot of the stairs. They immediately charged the rabble, and dispersed them without difficulty; but it was observed that they only fled from the immediate danger, and stood in throngs under the piazzas and in the heads of closes, to see what the guard would do; so that, with one halloo, they could all be together again in a moment. Upon this a party was ordered down every street to clear the piazzas and closes, and see the rabble effectually dispersed, which they did, but were all the way assaulted from the houses and out of the closes with stones; several were wounded, and some were much hurt. The peace was thus kept, by the watchfulness of the select guard, during the nights of Saturday and Sunday. On Monday, the magistrates summoned the town-council, and sending for the deacons of the trades, took into consideration what course should be followed to secure the peace of the city, and protect the magistrates and inhabitants from plunder and insult. The deacons subtilly, and as appeared designedly (at least such of them as were in the design), proposed that the select guard should be omitted; and made a sort of promise, that if any tumult happened, they would come to the town guard with their men to defend the city. As this was agreed to, the mob thus became virtually masters of the city; and Finlay, who had made himself one of their leaders, set up a guard at the upper end of the town, near the cathedral, as it were in opposition



to the town guard. For a week there was no further disturbance, but people were amused with reports of risings in different places, especially at Hamilton, where it was said that a large force was assembled ready to proceed to Edinburgh against the parliament. Finlay gave out that he would march with all the men of Glasgow to meet their brethren at Hamilton on the same design; and "having brought the folly and madness of the poor people to such a height, Finlay actually gets together about forty-five men, for that was the most of the great army he raised; and on the Friday following, this contemptible wretch having made himself their general, marches out of the city with them for Hamilton: they were armed with muskets and swords, such as they had taken out of the magistrates' houses; and (wherever he procured it, for every one knows he had it not of his own) he distributed to every man a dollar; and thus in arms against their native country and the protestant religion, these poor deluded people marched away, under the command of an abject scoundrel wretch, that openly professed himself a jacobite, and that, with his goodwill, would have seen all the presbyterians in Scotland ruined."

After Finlay's departure, the city still remained in the possession of the mob, who kept up their guard, and held out threats of general plunder of all who were opposed to them. The government in Edinburgh, meanwhile, received due information of these events, and were preparing to repress the tumult with as much moderation as possible. By the act of security, any of the nobility, gentry, or towns might meet in arms, muster and exercise their fencible men, and the like, upon any occasion of which they were judges. The danger of such a liberty had been foreseen even by many of those who did not dare to vote against the act; and at this juncture, the parliament passed an act to repeal that part of the act of security, for so long only as the present parliament was sitting. At the same time a proclamation was issued against tumults; and the act of repeal just mentioned, as well as this proclamation, came to Glasgow on the Monday after Finlay's march. The magistrates assembled about ten in the morning, and caused the messenger that brought it to read it at the cross, the magistrates in their places below, and the officers attending as usual, while a vast multitude of people had assembled to hear it.

Before the officer had done reading the act, the people began to shout and throw stones at him. Still he continued reading, and had begun the proclamation against tumults, when the stones came so thick, that he was driven off the stairs. Upon this the magistrates ordered one of the town officers to go up and read, but he in like manner was driven away. Meanwhile the magistrates had sent for the town guard to protect the second officer in reading; and the officer of the guard, seeing the other officer thus ill-treated, commanded his men to fall upon the rabble with the clubs of their muskets, which they did, and knocked down some of them. But the tradesmen that were upon the guard at this critical moment deserted, and refused to obey the command of their officers, which so encouraged the rabble, that they came on again with shouts and huzzas, and with volleys of stones, and drove the few of the guard who remained faithful to their duty off from the street. They retreated into the guard-house, but the multitude broke in upon them and disarmed them. The rabble, now flushed with victory, and in a terrible fury, resolved to storm the tolbooth; and having set ladders to the windows, they broke in and seized two hundred and fifty halberts, which were the town's arms. With these upon their shoulders, in rank and file they roved about the streets, and made their rendezvous at the old castle, where their guard was kept. Here they gave out, that in the afternoon they would come down and plunder the merchants' houses; and accordingly, about three in the afternoon they detached a party of about twenty men armed, some with muskets, some with halberts,—who, with a drum before them, came to the cross, and from thence took their march down the high streets, breaking open doors and houses, pretending to search for arms, but they really stole and plundered whatever came in their way. This continued till ten o'clock at night, when, having obtained above thirty muskets, with some pistols and swords, they marched away with the spoil to their main guard, from whence they beat their tattoo round the town like a garrison.

Meanwhile Finlay, with his army of forty-five, had advanced as far as Kilsyth, on their way to Edinburgh, when he received intelligence of the advance of a detachment of dragoons, joined with some horse grenadiers of the guard, under the command of colonel Campbell, an uncle to the duke of

Argyle. Thereupon, hearing no news of the great parties of five and six thousand, which he had persuaded his men would meet him there, he sent back another ring-leader of the mob named Campbell, to bring up the second body of four hundred men, which was to be ready to follow; "but they thanked him, and staid at home." With the rest he marched to Hamilton, where he arrived on Sunday about noon, the third day after his march from Glasgow. Here he quartered his "army" that night, but still finding no other insurgents to join him, next day he marched back to Glasgow, where he arrived on Wednesday, the second day after the plunderings. "They had halted at Rugland, a borough about two miles from Glasgow, where, as I suppose, they called a council of war among themselves; but, being all voters, they agreed upon nothing but to march home, which accordingly they did; and in order of battle entered the city, and marched directly up to their main guard aforesaid: here they made, says my author, their rendezvous, having not thought fit to keep the field any longer." The insurgents had now time to reflect, and, soon convinced of the folly of their proceedings, on Thursday morning they resolved to separate and lay down their arms, which accordingly they did very quietly and calmly, delivering up their arms to the deacons of their trades. About two hours after they had done this, the dragoons entered the town, to the number of about two hundred and twenty men. They had marched with great secrecy all night, and suffered nobody to pass by them to carry notice before of their coming. When they approached the city, colonel Campbell detached an advanced party of twenty-five dragoons, under the command of lieutenant Pollock, who knew the town and the house where Finlay lived. Pollock accordingly entered the town, and halted just at Finlay's door, and rushing in with two or three dragoons, they found Finlay and one Montgomery, another of the ring-leaders, sitting by the fire, both of whom they seized. By this time the whole body had entered the city, and marched down to the cross, where they drew up in the street.

"The mob of the city were in no small consternation, as may well be supposed, at this appearance; and several, whose guilt gave them ground to think of the gallows, made the best of their way out of the town; there was no appearance of any

rescue, and the dragoons commanded the people off the street, and to keep their houses; two fellows had the boldness to beat a drum in two several parts of the city, but the gentlemen they called for had more wit than to come, and the drummers, with very much difficulty, narrowly escaped being killed. The dragoons having secured their prisoners and mounted them on horseback, with their legs tied under the horses bellies, never so much as alighted or baited their horses, but marched away the same afternoon to Kilsyth. As they were going away they had some stones thrown at them from the tops of houses, and some that were straggling behind had like to have been knocked off their horses; but six or seven dragoons coming back, they were fetched off without hurt. No sooner were they gone out of the town but the drums beat again in all the streets, and the rabble got together with all the rage and venom imaginable, and coming to the magistrates, they told them in so many words that they should send some of their number to Edinburgh immediately, for that if they had not their two men delivered to them, they would pull their houses down about their ears. Some have blamed the magistrates for sending to Edinburgh; but if such would consider circumstances, how the dragoons were gone, they had an enraged mob to deal with, and no strength to defend themselves, it cannot but be thought the gentlemen were in the right to comply with the juncture of the time, and gratify rather than exasperate them, when they were absolutely in their power. The magistrates, however, according to the command of their masters, the mob (for such at this time they were), sent away two of the bailies of the town, and some of the deacons of trades went with them, but they soon came back again as wise as they went, having received a severe check from the council by the mouth of the lord chancellor; and it was once within a little of their being committed to prison with the others."

While these tumultuous proceedings were taking place in the west, the Scottish kirk was not without its champions, who had authority to protect its interests in a wise and legal manner. It had been of late times the custom of the general assembly to appoint a committee of its members to act in its name during the interval between its meetings; and this committee was now assembled in Edinburgh. Some attempt



was made to draw it into a violent declaration against the union, but without success; and on the 8th of November, they agreed to what was entitled, an "humble representation and petition," in which they represented, in moderate language, to the queen's commissioner—"That beside the general address already made by us for securing the doctrine, worship, discipline, and government of this church, and now under your consideration, which with all gratitude we acknowledge, there are some particulars which, in pursuance of the design of our said address, we do with all humility lay before your grace and lordships.

1. That the sacramental test being the condition of access to places of trust, and to benefits from the crown, all of our communion must be debarred from the same, if not in Scotland, yet through the rest of the dominion of Britain, which may prove of most dangerous consequence to this church. 2. That this church and nation may be exposed to the further danger of new oaths from the parliament of Britain, unless it be provided that no oath, bond, or test of any kind shall be required of any minister or member of the church of Scotland which are inconsistent with the known principles of this church. 3. There being no provision in the treaty of union for securing of this church by a coronation oath, that therefore, in the coronation oath to be taken by the sovereigns of Great Britain, they be engaged to maintain the doctrine, worship, discipline, and government of this church, and the rights and privileges thereof, as now by law established. 4. That in case the proposed union be concluded, the church will suffer prejudice, unless there be a commission for plantation of kirks and valuation of teinds, and making up the registers of that court which were burnt, and a judicatory in Scotland for redressing grievances and judging causes, which formerly were judged by the privy council, such as the growth of popery and other irregularities, and with which judicature the church may correspond ament fasts and thanksgivings. 5. Likewise we do humbly represent, that, in the second part of the oath of abjuration in favour of the succession in the protestant line, there is reference made to some acts of the English parliament, which every one in this nation who may be obliged to take the said oath may not so well know, and therefore cannot swear with judgment. As, also, there seems

to us some qualifications required in the successor to the crown, which are not suitable to our principles. 6. And in the last place, in case this proposed treaty of union shall be concluded, this nation will be subjected, in its civil interests, to a British parliament; wherein twenty-six prelates are to be constituent members and legislators; and lest our silence should be construed to import our consent to, or approbation of, the civil places and power of churchmen, we crave leave, in all humility and due respect to your grace and honourable estates of parliament, to represent, that it is contrary to our known principles and covenants, that any churchman should bear civil offices, or have power in the commonwealth. These things we humbly beseech your grace and lordships to consider, and provide suitable remedies thereto. And we shall pray that the only wise God may so direct and guide your grace and lordships in these and all other matters that lie before you, that the result of your consultations may be the glory of God, the advantage of religion, the peace and comfort of her majesty (whose long and prosperous reign we heartily pray for), the preservation of peace and truth in both kingdoms, and the welfare of this church and nation in particular, the satisfaction of all who truly love and fear the Lord therein, the peace of your own consciences, and your comfort in the day of your accounts."

This paper was signed in name of the commission of the general assembly, by Mr. William Wishart, minister of Leith, a man of great wisdom and moderation, who was moderator of the assembly and of the commission, or committee. In spite of the apparent reasonableness of these representations, there were some of the lay elders on the committee who thought them unnecessary or ill-timed, among whom we find the venerable names of Marchmont and Baillie of Jerviswood. These, on the 12th of November, drew up a protest in the shape of "Reasons against the representation and petition," which reasons were—"1. The commission of the general assembly having already addressed the parliament, for securing the doctrine, worship, discipline, and government of this church, and that address being read in the house upon the 17th of October last, the parliament did thereupon declare, that, before concluding the union, they would take the said address into their consideration, and would do every-

thing necessary for securing the true protestant religion and church government presently by law established in this kingdom; which assurance, we conceive, the commission may very well rely upon, seeing it is not to be doubted that the parliament will, in due time, when the address is taken into consideration, make all necessary provisions for securing our religion and church government by law established; and it may be construed jealousy, or diffidence in this commission, to press and pursue the said address further, before it appear what steps and progress the parliament shall make upon it, especially seeing there are so many elders of this commission who are members of the house, and, being heartily concerned for the church's interest, will certainly take care that nothing be omitted or forgot to be represented in parliament which is necessary for the church's security. 2. The parliament having, upon the 15th of October last, voted to proceed presently to the consideration of the articles of the treaty of union, which might be known to all by the published minutes, we conceive it not decent or suitable to the prudence of this commission to present a new address relating to the subject of the former, whereby the house may be impeded in its procedure, which may cause a longer delay of considering the first address, by occasioning new questions and debates in the house. 3. The sixth article of the now intended address contains matters which, we conceive, are not within the sphere and compass of the commission's business prescribed to them by the general assembly. Yet a wide step is made in quarrelling and objecting to the constitution of the parliament of England, the representative of that nation, with which this is now in a treaty about a union; likewise in that article the form and frame of the civil policy and government of England, in the extent and latitude of it agreeable to its laws, is reflected upon and challenged; all which, in our opinion, insinuates a blaming and condemning our parliament for treating of a union with a kingdom so circumstantiated as England is. 4. Whatever the constitution of the parliament of England now is, and whatever may be the constitution of the parliament of Great Britain after the union, the present legal establishment of our church is not alterable by it, that being without the bounds of the treaty, which can reach no further than the civil policy and government of the united king-

dom; besides that our legal establishment will no doubt be further fenced and fortified, when the commission's address is taken into consideration by the parliament. 5. The parliament having, upon the 4th of this month, voted that the two kingdoms of Scotland and England shall, upon the 1st day of May next ensuing, and for ever after, be united into one kingdom by the name of Great Britain, with this provision—that if the articles of union be not adjusted by the parliament, then the agreeing to and approving of the first shall be of no effect—we apprehend it may be of dangerous consequence to present now any address which may admit of a construction opposite to that vote in parliament; and certainly it would not be excusable in any who are members in the house, to concur in an address of that sort. So being fully persuaded that the way of proceeding by the new address now intended will tend to the great disadvantage and prejudice of the church as now established, and of the presbyterian interest, we found ourselves obliged to enter our dissent, and to protest.” The names attached to this protest were—“Rothes, Marchmont, Polwarth, George Baillic, Alexander Ogilvie, J. C. Auchinbreck, J. Campbell.”

As this protest was persisted in, the commission of the general assembly thought it necessary to reply to the reasons of the protesters, which they did in the following manner:—“It was a great grief to the commission, when it pleased some of our honourable friends of the ruling elders to protest against the vote, whether the sixth article of the commission's second address should be added to the other articles formerly agreed to; and it doth add no little to our grief that a paper is given in with reasons against the whole address; whereas they may remember the first three of the articles of the said address were unanimously agreed unto before. We do sincerely profess we have such a sense of, and confidence in, the kindness of these noble and honourable persons to this church, that it afflicts us when in anything we cannot comply with their opinion; but we hope they will excuse us when purely our conscience towards God maketh us differ. We heartily wish this debate sope, and that yet it would please them to take up this paper; perhaps, on more mature and second thoughts, they may see there is no ground to be so severe against our second address,



as to censure it as jealousy or diffidence of the parliament, or our friends in it, as in the first reasons; and of indecency and unsuitable to prudence, as reason second; or dangerous and such as may be construed as contrary to a vote of parliament, November the 4th, as in reason fifth. For the first address being general, the second was but a humble representation of some particulars we humbly desired might be minded, when it pleased the parliament to resume the consideration of the first address, leaving the time to the wisdom of the parliament, we being far from any design to occasion delay or debate; and it hath pleased the parliament to insert divers of the things there desired in the act for the security of the church, and we would gladly hope they will consider the rest of them in due time. But we conceive it is the sixth article against which the chief offence is taken, and against which the third and fourth reasons are levelled: but our honourable friends know there had been much reasoning on that head for divers days; and when there was no appearance of unanimity, how could the commission shun a vote for decision of the difference? Nor can we be persuaded that the commission went in their vote without the sphere and compass of the business prescribed to them by the general assembly, or made a wide step in quarrelling and objecting to the constitution of the parliament of England, as is alleged in reason third. For it was oft told in the conference and debate, we did not meddle with the constitution of the parliament of England as the parliament of England, though we cannot command our judgment to an approbation of it; nor do we speak anything against treating with the parliament of England as the representative of that nation; nor doth it blame our parliament for treating with them, for they treat with the parliament of Scotland as the representative of the nation, which as theirs is in its frame established by the laws of the land, yet a regulation thereof is treated of for constituting the British parliament. Why then should there be so much offence taken, that in due season, before the conclusion of the treaty, it is humbly represented to the parliament, that, in case the proposed treaty of union be concluded, this nation will be subjected in its civil interests to a British parliament, wherein twenty-six prelates are to be constituent members and legislators? We do not speak in that sixth article of the legal

establishment of our church; and so the fourth reason toucheth not this point. And could anything be more modestly expressed than this is by the commission in their address, in these words:—‘And lest our silence should be construed to import our consent to, or approbation of, the civil places and power of churchmen, we crave leave, in all humility and due respect to your grace and honourable estates of parliament, to represent that it is contrary to our known principles and covenants, that any churchman should bear civil offices, or have power in the commonwealth.’ Nor can we see how this address doth of its own nature tend to the disadvantage of the established church and presbyterian interest. But, as we have charity towards them, we expect the same charity towards us, acting purely from conscience towards God; and we entreat and expect the continuance of their kindness to this church.”

Thus the matter stood when the act for the security of the church was under the consideration of parliament. By this the presbyterian form of church government, and the Westminster confession of faith, were confirmed and declared to be unalterable, and an obligation to this effect was to be introduced into the coronation oath. But the proposal for a clause dispensing with the test was rejected. Lord Belhaven entered a protest against this act, as falling short of the security which the church required.

The tumults in the country had caused some interruption in the parliamentary debates on the articles of the union, which were partially laid aside whilst the house was considering of a proclamation against tumultuary and irregular meetings of the lieges, and an act for suspending the effect of that clause in the act of security for arming and exercising the fencible men. Both were warmly opposed by the opposition, and especially by the cavaliers; but it can hardly be doubted that many, whose aversion to the union was less decided, began to be alarmed at the turbulent spirit which was manifesting itself, and to regard the incorporation of the two kingdoms with more favour. After these matters had been settled, the parliament proceeded to the articles of the union concerning trade and taxation, which were the subject of much discussion, and of great misrepresentation. Many of the questions involved in them were referred to committees, and some few amendments were carried, but in general

the fairness of the terms agreed to by the commissioners seems to have been acknowledged. Several of the amendments were intended as protections against dangers which it was imagined would arise from the omnipotence of a British parliament; for, as Defoe tells us, the opposition "had encouraged all manner of jealousies of the British parliament; the people had received no notions but of Scotland's being always oppressed by them, both in civil and religious concerns; and that therefore nothing was to be left to them. That the British parliament was to be fenced against as a declared enemy, and the representatives of Scotland being like to be but a few—viz., forty-five to five hundred and thirteen, they were to be crushed by number, outvoted, and disregarded in everything relating to Scotland."

On the 7th of December, the parliament had arrived at the fifteenth article of the treaty, which brought on the subject of the equivalent, or, as the opposition represented it, the payment of England's debts with Scottish money. Within the house, the question appears to have been tolerably well understood by everybody, and the committee appointed to examine into the proposal of the treaty, gave without hesitation the following report:—"The committee of parliament, to whom the considering of the calculation of the equivalent was remitted, having considered the report made to them by Doctor James Gregory, professor of the mathematics in the college of Edinburgh, and the report made by Doctor Thomas Bowar, professor of the mathematics in the college of Aberdeen, of their several and respective examinations of the calcul, and grounds thereof, whereupon the commissioners, in treating the article for establishing the equivalent, did proceed; and also having considered the report of the sub-committee thereanent, they find, that the computation of the equivalent mentioned in the article is just, and that the calcul is exact, and well founded in the terms and in manner expressed in the said article." It was accordingly agreed to by the house, though not without much opposition and debate, and with the following protest from lord Belhaven:—"I do protest in my own name, and in the name of all those who do adhere to this my protest, that the voting and agreeing to the first clause of the fifteenth article of the treaty of union, doth no ways infer any manner of consent or

agreement that Scotland should be liable to the English debt in general, but that it may be lawful to object against any branch of the said debt not already determined." This protest was also signed by the duke of Hamilton, the earl of Selkirk, the lord Saltoun, Andrew Fletcher, of Saltoun; sir Humphrey Colquhoun, of Luss; David Bethun, of Balfour; major Henry Balfour, of Dunboig; Mr. Thomas Hope, of Rankelior; Alexander Watson, and Mr. Robert Frazer.

¶ Out of doors, the discussions on this question were extremely violent; for as it was an intricate one depending on minute calculations, it was easily confused, and the opposition writers and agitators spread through the kingdom all sorts of misrepresentations. They asked, why should Scotland concern itself in paying England's debts at all? and, in reply, they represented that England should pay her own debts, and keep her own money, and the like; that to make Scotland pay taxes, and then give her an equivalent, was doing nothing as to equalities; for that though it might be an equality, nationally speaking, it had no personal justice or equality at all, since the private persons that should pay it, would never receive any equivalent for the injury they received. To this the government writers replied by arguments like these. No communication of the trade of England, they said, can be given to the subjects of Scotland, unless we are satisfied to pay equal customs and duties upon export and import, and equal excises; for otherwise, the merchants residing in Scotland would be put in a condition to ruin the whole trade of England. An equality of excises in both kingdoms, is as necessary as an equality of customs; for not only all immediate burdens on trade are to be regarded, but even those things which affect and influence trade. Supposing a federal union to be practicable, still we must undergo the burden of equal customs and excises, otherwise there could be no communication of trade. A great part of the English customs and excises is appropriated towards payment of their debts; so that the paying of the English debts and the paying of equal customs and excises, are almost reciprocal terms to signify one and the same thing; or otherwise, that these customs and excises paid after the union, will be appropriated towards paying our own debts, which is the same. These debts (being after the union



to be called the debts of Great Britain) are so necessary and inevitable burdens on Scotland, that neither by an incorporating or federal union with England, can Scotland be free of them; since they are included and wrapped up in the very notion of equal customs and excises. It follows, therefore, that since under any union, with a communication of trade, we must be subjected to equal customs and excises, and that a great part of these is applied towards payment of the debts of England, a provision should, in common justice, be made to Scotland for reimbursing what we shall be charged on the score of these debts, which by this article of the treaty is called an equivalent. This equivalent, it was added, is so contrived and adjusted, that thereby we cannot properly look on ourselves as engaged in the English debts; for no man can be properly said to pay a debt for another, when the money is either advanced beforehand to the payer, or at farthest, the next moment after it is paid out; which will be Scotland's case.

These arguments satisfied the more reasonable part of the nation, the more so as the communication of trade was one of the advantages of the union to which the Scots looked forward most eagerly. But the mob caught up the notion that all the money in Scotland was to be taken up to pay the debts of England, and became furious against the commissioners, who, they said, had betrayed and sold them; and, while under debate in the house, this question created an extraordinary excitement through the whole kingdom.

In the course of these discussions, the opponents of the union endeavoured, on all occasions, to introduce amendments or insist on stipulations which they believed would be distasteful to England, and which, therefore, they hoped would lead to the rejection of the union by the English parliament. Thus, there was a clause in the treaty for the reserving all private rights; and some of these private rights amounted to exemption from certain customs and excises, as particular privileges to this or that place or person; as at Glasgow, for encouragement of their sugar-works, they were exempted from paying excise for the spirits they distilled from the molasses, bottoms, scummings, &c.; and so several towns were exempted from particular customs. These exemptions were of course to be continued, in accordance with the clause alluded to. There were some pri-

vate rights, of a similar character, in England, and one of these especially affected the Scots; for the city of Carlisle, and the family of sir Christopher Musgrave, had an ancient right of taking toll of all the cattle which passed from Scotland to England, over such passes or bridges as were in their lordships. The Scottish parliament decided on demanding that this toll should be taken off; and as this amounted to refusing to the English the reservation of private rights which they claimed themselves, the opposition imagined this would form an obstacle in the way of agreement. They were, however, disappointed by an unexpected proceeding on the part of the English parliament, which passed an act for purchasing of the city of Carlisle and the family of sir Christopher Musgrave the private rights in question, and thus making them public. This question of the exportation of cattle was one of great importance to Scotland, as it formed the main property of many of the great landholders, especially in the north, all their rents being paid in cattle, for which they had no other vent or market but by sending them into England; so that any tax or toll being hereafter laid on them, might entirely put a stop to it, and consequently impair, and almost ruin the estates of the gentry and nobility of Scotland. To prevent this, a particular clause was added to the act of union, providing "that, from and after the union, no Scots cattle carried into England shall be liable to any other duties, either public or private, than the cattle of England." Another question, of which the opposition made much, was that of the exportation of wool, in which Scotland had, before the union, a free exportation to France, which produced the main part of the incomes of the gentry of the south and west parts of Scotland, such as in Roxburghshire, Selkirk, Tweeddale, and Galloway, whose estates very much consisted in the product of their sheep. These gentry would receive a severe injury by placing the wool of Scotland under the same regulations of restraint which had been placed on that of England for the support of the woollen manufacture of that country, and which would necessarily lower the marketable price of the article. This, no doubt, would be a hardship; and the parliament proposed as a remedy an allowance, by way of equivalent, to be given to such gentlemen that were sheep-masters as should suffer by the falling of the

price of their wool. But it was debated in what manner that equivalent should be given; for, to give to particular persons such and such a sum of money, seemed partial, and short of the design; as it would be some personal satisfaction indeed, but no national satisfaction. It was therefore proposed to appropriate the money to such gentlemen who, being wool-masters, would apply the money to the manufacturing of their wool in their own country, which would have the effect of increasing the consumption of the wool, and employing the poor of their respective counties in a new national manufacture. The opponents of the union argued warmly for a freedom of exportation of wool, and insisted on making it a clause in the articles; for they knew that the English, who had made it felony, and always prohibited the export of their wool under the greatest penalties, could not agree to such an article, and that on this rock the attempt at a union would be entirely wrecked. They therefore urged that this liberty of exporting wool might be restricted to Scotland only; that it was absolutely necessary to Scotland, for that they could not manufacture all their wool in their own country; that their wool was coarse, and did not injure the English trade, since all the English manufactures were of fine wool; that, if Scotland could not manufacture their wool, nor be suffered to export it, their wool would be useless; that the manufactures now set up in Scotland being chiefly fine goods, were generally made of English wool, and, after the union, the wool from England being brought in, their own would be of no value. To these arguments it was answered—That, to allow the exportation of wool from Scotland only, would oblige the government to keep still on the borders an army of officers, to search and examine the passage of all goods passing between the kingdoms, and keep up that distinction of kingdoms, which, as to trade as well as government, was to be wholly taken away by the union; and that, after all, it would be impossible to prevent the carrying of wool into Scotland, and consequently the exportation of English wool with, or instead of, Scots wool. Moreover, it would oblige the government of Britain to a strict prohibition of the bringing any English wool into Scotland after the union, lest the same should be exported, which, after its being in Scotland, could not be so distinguished as to be prevented; and this prohibition would

rob Scotland of all that advantage which it is proposed she should enjoy after the union, by her people being employed in the manufacturing of English wool. Further, this would destroy all freedom of commerce and communication of trade between the kingdoms, as all vessels to and from Scotland must be visited and searched equally with strangers, which would cause continued jealousies of, and watchings against, clandestine trade. Lastly, it was inconsistent with the public good of Scotland in its proportion, as much as of England, and that it would effectually destroy the hopes of Scotland's increasing in manufactures, and encouraging her trade by the employment of her poor. With regard to the consumption, it was urged, that England was always a market for wool, where it might be sold at as good prices as the wool of England, in proportion to its fineness. It was finally agreed that an equivalent should be given, but that it should be given on the condition of setting the poor to work in their respective counties, which would have the double advantage of furnishing employment and subsistence to the poor, and consuming the wool at home, which did away with the pretended necessity of exporting it to other countries. The duty on salt was another subject of considerable discussion, as a very large portion of the exports of Scotland consisted in salted meat and fish.

While these debates were going on, the opponents of the union were industriously preparing a new cause of embarrassment to the government. Every day had brought, from different parts of the kingdom, a certain number of petitions against the union, which were ordered to lie on the table, and were therefore treated in the light of being under consideration. Letters were now sent round, inviting the subscribers to these petitions, on the pretext that no attention had been paid to them, to repair to Edinburgh in order to back their petitions in person and demand a reply. It was calculated that in this manner an immense concourse of people would be gathered in the capital, and that the parliament and government would be overawed. On the 27th of December, the lord chancellor informed the parliament of these circumstances, and, to meet the danger, a proclamation was immediately brought in and read, against all such meetings and gatherings of the subjects as were unwarrantable, and contrary to law. There was a loud opposition to this procla-



mation, on the ground that the information was not sufficient, upon which the duke of Queensberry stated, that he had information from several corners of the kingdom of the great pains and methods which had been used to procure subscriptions to addresses, and to call into Edinburgh the subscribers against a precise day to back these addresses. The proclamation was agreed to, with, as usual, a protest.

The parliament now returned to the important question of the equivalent, and on the 30th of December they entered upon the discussion of the African company. The commissioners of the two kingdoms had agreed in the treaty that the whole stock of the company should be bought with a portion of the fund granted by England under the title of the equivalent, and that the company itself should then be dissolved. The opposition now opposed the dissolution of the company, urging that it was one of great importance for the welfare of the country, and alleging that it could only dissolve itself. They further demanded that the company should be allowed to appear by counsel and plead its own rights, against the interference of parliament. It was well understood, however, that the object of this motion was not so much to benefit the company as to cause delay, and to raise difficulties in the way of the approval of the act by England. The clause was therefore passed without alteration, and the fate of the African company was sealed. The question of the altered value of the coin, and the various other applications of the equivalents were next discussed. On the 31st of December, the sixteenth, seventeenth, and eighteenth articles of the act of union were passed. On the 3rd of January, the nineteenth article was passed, with an amendment to the effect—"That no writer to the signet be capable to be admitted a lord of the session, unless he undergo a private and public trial on the civil law before the faculty of advocates, and be found by them qualified for the above-said office two years before they shall be named to be a lord of the session;" and with the addition—"That the qualifications made, or to be made, for capacitating persons to be named ordinary lords of session, shall be alterable by the parliament of Great Britain." The twentieth and twenty-first articles of the union were passed on the 6th of January, with the addition of a clause in the first for the preservation of the Scottish

records within the kingdom. They managed also to slip into this article the word "superiorities," which was intended to preserve the oppressive rights of vassalage which the Scottish gentry had over their people.

Next day, the twenty-second article, prescribing the number of peers and of members of the house of commons to be sent by Scotland to the united parliament, came under discussion, and was met by six different protests from the duke of Athol, the earls of Buchan, Errol, and Marshal, George Lockhart of Carnwath, and Walter Stuart, the representative of Linlithgow. Two of these related merely to personal rights, the earl of Errol protesting that his hereditary office of high-constable of Scotland should not be prejudiced by the act of union, and the earl Marshal making a similar protest with regard to his office of great marshal of Scotland. The other four protests were the subject of considerable discussion: it was proposed that they should not be entered upon the rolls, and they were not made public. The numerical proportion of the Scottish representatives in the British parliament was a subject of considerable debate, but no other proportion was proposed, and the number as fixed by the commissioners was finally agreed to. The privileges which were to be enjoyed by the Scottish representative peers caused much debate, but the questions involved, except that of exemption from processes for debt, were rather of a trivial character. The opposition pretended that it was beneath the dignity of a Scottish nobleman to accept a protection against his creditors; while they insisted with great earnestness that the noblemen who were not elected to represent the peerage in the English house of lords, should have the right of sitting in some part of the house and taking part in the debates, though without a vote. The consideration of the twenty-fourth article gave rise, on the 14th of January, to a rather animated debate on the rank and precedence of the heralds, and on the quartering of arms, the standards, and colours, which was referred to the decision of the queen. The keeping the honours, as they termed them (the crown, sceptre, and sword), in Scotland, was looked upon as a material point by the opposition, who tried to alarm the common people with apprehensions that they were to be carried away to England as tokens of surrendering the sovereignty of Scotland to the English. The concluding articles of the

act of union were passed on the day just mentioned, and on the 16th the act "ratifying and approving the treaty of union of the two kingdoms of Scotland and England, was finally approved by the Scottish parliament. Before it passed, two protests were given in which illustrate in a remarkable manner the jealousies of the old Scottish nobility. The first was expressed in the following terms:—"We undersubscribers, tutors, testamentars to his grace the duke of Douglas, whereof three is a quorum, in name and behalf of the said duke; forasmuch as his grace the duke of Douglas, and his heirs, has, by their investitures and honours of the estate of Douglas (in consideration of the great and faithful services done and performed to this crown and kingdom by his ancestors), provided to them the honour of leading the van of the armies of Scotland in the day of battle, the carrying of the crown of Scotland in processions, and giving the first vote in all parliaments, councils, or conventions in Scotland; and sicklike, by the twentieth article of union, all heretable offices are reserved to the owners as rights of property, in the same manner as they are now enjoined by the laws of Scotland, notwithstanding of this treaty; whereby his grace's foresaid offices and privileges, by parity of reason and justice, ought to be preserved. Yet, seeing the entire union of the two kingdoms will be attended with a union of their arms, crowns, and councils, whereby his grace's offices and privileges may seem to be of more difficult explication, his grace's tutors and guardians, in his pupillarity, do now, before the treaty be ratified in this parliament, judge it indispensably their duty, for his grace's interest, in his name and theirs, undersubscribers, as tutors to him, with all

humility, to protest, that the said treaty may not, in any sort, prejudice the honours and privileges belonging to his grace and successors, which have been the glorious rewards and marks of honour to the illustrious families of Douglas and Angus for their loyalty, great and faithful services to the crown and kingdom of Scotland; and that this their protest may be received and marked in the minutes and records of parliament." The other protest was given in by the duke of Hamilton, in these terms:—"Forasmuch as there is a protestation made in behalf of the duke of Douglas, in relation to his pretensions of having the first seat and vote in parliament; which protestation being altogether groundless, therefore I, James duke of Hamilton, do protest in the contrary, in regard that none of the said duke of Douglas his predecessors has, or enjoyed any such privilege since there were dukes or marquises created in Scotland, and my predecessors were dignified with patents of marquis and duke successively long before he or his predecessors had the same. Secondly, William earl of Angus, the said duke his predecessor, did, upon the 4th day of June, 1633, resign all right and claim that he or his predecessors or successors had, or should have, to that privilege of first sitting and voting in parliament, in his majesty's hands; which resignation is registrate in the books of parliament the 20th day of the said month of June, 1633. Thirdly, I and my predecessors have been in continual possession of having the first seat, and of first voting in parliament, and have been first called in the rolls of parliament past memory of man: and upon this protestation I take instruments, and desire the same to be insert in the records of parliament."

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## CHAPTER XV.

THE ACT OF UNION PASSES THE ENGLISH PARLIAMENT; CONCLUDING PROCEEDINGS OF THE LAST PARLIAMENT OF SCOTLAND.

THE act for a union of the two kingdoms had thus at length passed through the Scottish parliament, and received its final approbation in spite of a storm of opposition

such as probably no other measure ever encountered. This success was no doubt owing in a great measure to the skilful management of the duke of Queensberry; but it must



not be denied that corruption in many forms was employed to gain supporters or paralyse opponents, and that a great portion of the former were actuated by purely interested motives. Twenty thousand pounds of English money, lent privately by the queen to the Scottish treasury, was distributed for the purpose of gaining converts, and government missionaries were employed extensively throughout the country. Some of these were sent among the Cameronians, and, assuming their rigid manner and sentiments, laboured assiduously to persuade them of the sinfulness of their coalition with their old enemies the cavaliers. The shareholders in the African company were in general soothed with the inviting prospect of a complete indemnification for their losses. The fears of the presbyterian clergy in general were appeased by the insertion in the act of treaty of the act which secured to the kirk of Scotland its presbyterian government more effectually than anything that had been done before. Others, who were not affected by any of these considerations, were tempted by the hope held out to them of sharing largely in the distribution of the equivalent. By means like these, several of the political factions were so divided as not to be able to show much strength in parliament, while the whole "squadron," with the earls of Roxburgh and Marchmont, were gained over to support the measure. In spite, however, of all these exertions, Queensberry at one moment despaired of carrying his point, and he expressed to the ministry in England a wish that he should be allowed to adjourn the parliament, in the hope of surmounting during the intermediate vacation the difficulties which seemed to be most formidable. But lord Godolphin, who then held the reins of state in England, and who felt convinced of the necessity of pressing forward the union, without seeing so near at hand the difficulties, urged him to proceed, and to encourage him, besides remitting the money already mentioned, gave directions for having forces ready both in England and Ireland, to counteract the designs of the jacobites.

The opponents of the union had still one hope left, in which they seem to have indulged beyond even the probability of its fulfilment. They imagined that the act, as it then stood, could not be palatable to the English parliament, and they made no doubt, therefore, that it would receive many

amendments which would render it necessary that it should again pass through the parliament of Scotland, which would reject the amendments, and thus the act would be lost. And even if the act itself was not thrown out in this way, so much time would be sacrificed that it could not pass until after the date at which it was fixed to come into operation. But in these expectations they were destined to meet with a signal disappointment. The English parliament had met in a very pliant humour on the 3rd of December, 1706, and the queen in opening it told the two houses that their most important business would be the effecting a union between her two kingdoms. Her speech on this occasion was as follows:—

"My lords and gentlemen,—I hope we are all met together at this time with hearts truly thankful to Almighty God for the glorious successes with which he has blessed our arms and those of our allies through the whole course of this year, and with serious and steady resolutions to prosecute the advantages we have gained, till we reap the desired fruit of them in an honourable and durable peace. The goodness of God has brought this happy prospect so much nearer to us, that if we be not wanting to ourselves, we may, upon good grounds, hope to see such a balance of power established in Europe, that it shall no longer be at the pleasure of one prince to disturb the repose and endanger the liberties of this part of the world. A just consideration of the present posture of affairs, of the circumstances of our enemies, and the good disposition of our allies, must needs excite an uncommon zeal, and animate us to exert our utmost endeavours at this critical conjuncture.

"Gentlemen of the house of commons,—As I am fully persuaded you are all of this mind, so I must earnestly desire you to grant me the supplies sufficient for carrying on the war next year in so effectual a manner, that we may be able to improve everywhere the advantages of this successful campaign; and I assure you, I shall make it my business to see all you give applied to those ends with the greatest care and management.

"My lords and gentlemen,—In pursuance of the powers vested in me by act of parliament both in England and Scotland, I have appointed commissioners to treat of a union between the two kingdoms; and though this be a work of such a nature as could not but be attended with great diffi-

culties, yet such has been the application of the commissioners, that they have concluded a treaty, which is at this time before the parliament of Scotland; and I hope the mutual advantages of an entire union of the two kingdoms will be found so apparent, that it will not be long before I shall have an opportunity of acquainting you with the success which it has met with there. Your meeting at this time being later than usual, I cannot conclude without earnestly recommending to you to give as much dispatch to the public affairs as the nature of them will admit, it being of the greatest consequence that both our friends and our enemies should be fully convinced of your firmness and the vigour of your proceedings."

The act of union passed the Scottish parliament on the 16th of January, 1707, and on the 18th it was dispatched to court. To save time, the queen ordered a copy of it to be laid at the same time before each house, so that both might be proceeding with it at once. It was read in the house of commons on the 22nd of January; and, as the best way to go through the whole, it was ordered that every article should be read and voted upon singly in a committee of the whole house. In the commons, the act met with no opposition, and no amendment or alteration was proposed. In the lords there was a slight show of opposition, which ended in two or three protests. An act for the security of the church of England, which was an exact counterpart of that for the security of the church of Scotland, was also drawn up and passed, and like it, was inserted in the act. On the 4th of March, the whole act had passed both houses, and it received the queen's signature on the 6th. In giving it, she made the following speech to the parliament:—

"My lords and gentlemen.—It is with the greatest satisfaction that I have given my assent to a bill for the uniting England and Scotland into one kingdom. I consider this union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and at the same time, as a work of so much difficulty and nicety in its own nature, that, till now, all attempts which have been made towards it in the course of above a hundred years, have proved ineffectual; and therefore I make no doubt but it will be remembered and spoke of hereafter to the honour of those who have been instrumental in bringing it

to such a happy conclusion. I desire and expect from all my subjects of both nations, that from henceforth they act with all possible respect and kindness to one another, that so it may appear to all the world they have hearts disposed to become one people. This will be a great pleasure to me, and will make us all quickly sensible of the good effects of this union. And I cannot but look upon it as a particular happiness that, in my reign, so full a provision is made for the peace and quiet of my people, and for the security of our religion, by so firm an establishment of the protestant succession throughout Great Britain.

"Gentlemen of the house of commons,—I have this occasion to remind you of making effectual provision for the payment of the equivalent to Scotland within the time appointed by this act; and I am persuaded you will show as much readiness in this particular as you have done in all the other parts of this great work.

"My lords and gentlemen,—The season of the year being now pretty far advanced, I hope you will continue the same zeal which has appeared throughout this session, in dispatching what yet remains unfinished of the public business before you."

Meanwhile the parliamentary proceedings in Scotland continued, and on the 20th of January the question of the election of the members to represent Scotland in the first British parliament was entered upon. It was generally believed that the queen would, before the 1st of May (when the union was by the act to take place), declare under the great seal of England, that it was expedient that the lords of parliament of England, and commons of the present parliament of England, should be the members of the respective houses of the first parliament of Great Britain, for and on the part of Great Britain; and in anticipation of this, a resolution was now proposed in the Scottish parliament, "that the sixteen peers and forty-five commissioners for shires and boroughs, who are to be the members to the first parliament of Great Britain for and on the part of Scotland, be chosen out of this present parliament; and that the members so chosen, be the members of the first parliament of Great Britain, if her majesty shall declare, on or before the 1st day of May next, that the lords and commons of the present parliament of England, be the members of the first parliament of Great Britain, for and on the part of Eng-



land." After considerable debate, and some counter-resolutions, and two protests by the duke of Hamilton, and Mr. William Cochran, this resolution was agreed to. The duke's protest was as follows:—"I, James duke of Hamilton, do hereby protest for myself, and in the name of all those who shall adhere to this my protestation, against the electing by this present parliament the sixteen peers and forty-five barons and boroughs, who are to represent Scotland in the first parliament of Great Britain, as inconsistent with the whole tenor of the twenty-second article of the treaty of union, and contrair to the express words thereof, whereby it is provided, that after the time and place of the meeting of the said parliament is appointed by her majesty's proclamation, which time shall not be less than fifty days after the proclamation, a writ shall be immediately issued under the great seal of Great Britain, directed to the privy council of Scotland, for summoning the sixteen peers, and for electing forty-five members, by whom Scotland is to be represented in the parliament of Great Britain; and farther, as utterly subversive of the right of election competent to the barons and boroughs of this kingdom, and desire this my protestation may be insert in the minutes and records of parliament, and thereupon take instruments." That of Mr. Cochran was—"I, William Cochran, of Kilmarnock, do protest in my own name, and in name of all those that shall adhere to this my protestation, that the electing of members to represent this part of the united kingdom in the parliament of Great Britain, out of this present parliament, by the members of this house, is contrary to, and inconsistent with the birthrights and privileges of the barons and boroughs of Scotland; that it is contrary to the principles of common law and divers acts of parliament, and directly opposite and contradictory to the express words and meaning of two several paragraphs of the twenty-second article of the treaty of union betwixt Scotland and England, so lately ratified in this house; and I desire this my protestation may be inserted in the minutes, and recorded in the books of parliament, upon which I take instruments."

These two protests were printed and spread over the kingdom, and caused some sensation. The party who opposed the union foresaw, that, as they had been outvoted in parliament on every question re-

lating to the union, few or none of them would be named to the first British parliament, which was eventually the case.

The next matter for consideration was the mode of electing the Scottish representatives, and, after a debate on the question whether it should be by ballot or by open election, it was decided in favour of the latter. It had next to be arranged what proportions the barons and boroughs shall have respectively of the forty-five members who were to sit in the house of commons of Great Britain. After some debate, it was decided, on the 26th of January, that the number of the barons, or representatives of shires, should be thirty, and that of the boroughs fifteen.

The mode of electing the peers was not settled without some warm debate, and several plans were proposed. Some were for naming certain noble families, out of which the representatives were to be chosen exclusively, pretending that it was reasonable, since the number of noblemen lately made, and especially in the last thirty or forty years, were but burdensome to the nation, those families newly made noble should relinquish this honour to the ancient nobility, as being inherent in them; and that, since Scotland was to retrench her nobility as to sitting in parliament, it was but just that those should be preferred who had the most ancient title. Others were for dividing the nobility into four classes, and taking every year a proportioned number out of each class. Others again were for taking by rotation, and so, beginning at the extremes, take the families as they rise. None of these plans, however, were adopted, but it was carried that it should be by free election out of the whole number. On account of the reduced number of representatives of shires and boroughs, it was necessary now to join two or three together, in arranging which many local jealousies had to be encountered and overcome. In some cases more than one county must join in electing one member; and the royal boroughs were formed into classes or districts, and were for each district to choose one member. It was alleged that the meeting together of the voters in the said burghs might be both chargeable and inconvenient, and it was therefore proposed that each borough should choose a commissioner, in the same manner as usual, which commissioner was to meet with the commissioners of the other burghs of that district, and these were to choose

the member. A motion was brought forward to deprive peers and eldest sons of peers of the capacity of election as members of the house of commons, which was warmly discussed, and finally rejected. It was alleged in favour of it, that when the influence of the nobility in Scotland came to be considered, with the small number of members to be chosen, it might eventually come to pass that, the lords who were not elected to the upper house being allowed to sit in the commons, Scotland would be represented only by her nobility, and that the nobility in the house of peers, and their eldest sons in the house of commons, might make up the whole representative of Scotland. Against this proposal it was urged, that it had been always allowed in Scotland before, where the eldest sons of peers might be elected, while that in England the eldest sons of peers did sit in the house of commons; and it would break in upon the rule of equalities to alter it, and put the Scottish gentlemen in a worse condition than the English. A note was finally agreed to, to let the right of being elected remain just as it had previously existed, without any alteration at all.

Early in February this act for regulating the manner of election was passed. On the 31st of the previous month a resolution was brought forward, which became the subject of great clamour out of doors. This resolution was—"That the charge of the commissioners sent to the treaty of union on the part of the kingdom of Scotland, who met at London in pursuance of her majesty's nomination by authority of parliament, and of the allowance to the secretary of the said commission, and to the accountants appointed by the said commission, are public debts; and that there be allowed to each nobleman who attended the said treaty at London, the sum of twelve thousand pounds Scots; and to each other of the commissioners attending, the sum of six thousand pounds Scots; and to the secretary of the said commission, the sum of four thousand eight hundred pounds Scots; and to each of the three accountants named by the said commission, the sum of two thousand four hundred pounds Scots; and that the said respective sums be paid out of the sum of £398,085 10s. sterling, mentioned in the fifteenth article of the said treaty of union ratified in this parliament; and that the said sums be ranked and preferred after the sums payable to the pro-

prietors of the African and Indian company of Scotland, *pari passu*, with the first of the public debts appointed to be payable out of the foresaid sum of £398,085 10s. sterling money." This proposal was agreed to, as well as another—"That the commissioners for the treaty in 1702, should have allowance of their expenses in the following proportions: each nobleman five hundred pounds sterling, each baron three hundred pounds sterling, and each borough two hundred pounds sterling."

This was the first step in the distribution of the money voted for the equivalent, and it appeared so selfish to the people, who had been so much incensed against the union, that they set up a general outcry, exclaiming, that the nation might now see what their commissioners had been doing at London, and what they had been pursuing ever since they had sold their country for a sum of money, which they were beginning to share among themselves; they voted for one another, they said, the new commissioners and the old, and were now taking the money to their private uses, which they had promised should be employed in encouraging the manufactures and employing the poor, raising stocks for the woollen trade, and funds for the fishing, which were the specious pretences to cover their own greediness. As this resolution was carried easily, an attempt was made to press another for allowing the Scottish representatives their expenses in attending parliament; but this was thrown out, and appears in fact not to have found many supporters.

Parliament was next occupied with an act for the plantation of kirks and the valuation of teinds (tithes.) It had been the custom in former parliaments to grant a commission to certain of their own members to sit as a court, and to judge and determine of several things relating to the two heads of the plantation of kirks and valuation of teinds: such as the sale and valuation of teinds or tithes in the several parishes; augmentation of the stipends of ministers; prorogation of tacks, or leases of teinds; dividing or disjoining parishes, where they were too large; erecting and endowing new churches; annexing and dismembering churches, and the like. These commissions had been for some time discontinued, and all the registers and rolls of the court were lost in a great fire which happened in the Parliament-close at Edinburgh in the year 1700. This was



looked upon as a great loss to the church of Scotland on several accounts, and, unless some settlement had been made, would have led to much confusion. It was resolved, therefore, that all the powers formerly exercised by the commission of parliament should now be conveyed to some particular court, judicatory, or body of men that should judge and determine in such cases as those mentioned. Some were for having it vested in the church itself and committed to the general assembly; but it was alleged against this, that it would be equivalent to making the church judge in her own cause, and would put too much power into the hands of the assembly. Others proposed that it should be left to the crown to grant commission to proper persons, as the parliament did before; but this was objected against as dangerous to the safety and constitution of the church. It was finally committed to the lords of the session.

On the 13th of February, the house proceeded to the election, from among their own number, of the representatives to the British parliament, each estate respectively making their own election. The members chosen were:—Of the nobility—the duke of Queensberry, lord high commissioner; the earl of Seafeld, lord high chancellor; the marquis of Montrose, lord president of the privy council; the marquis of Tweeddale, the marquis of Lothian, the earls of Mar and Loudon, principal secretaries of state; and the earls of Crawford, Sutherland, Roxburgh, Wemyss, Leven, Stair, Roseberry, Glasgow, treasurer-depute, and Ilay. Of the barons—William Nisbitt, of Dirletoun; John Cockburn, younger, of Ormistoun; sir John Swintoun, of that ilk; sir William Ker, of Greenhead; Archibald Douglas, of Cavers; William Bennet, of Grubbet; Mr. John Murray, of Bowhill; Mr. John Pringle, of Haining; William Morison, of Prestongrange; George Baillie, of Jerviswood; sir John Johnstoun, of Westerhall; Mr. John Stuart, of Sorbie; Mr. Francis Montgomery, of Giffan; Mr. William Dalrymple, of Glenmure; sir Robert Pollock, of that ilk; John Hadden, of Glenagies; Mungo Grahame, of Gorthie; sir Thomas Burnet, of Leyes; sir David Ramsay, of Balmain; William Seton, younger, of Pitmedden; Alexander Grant, younger, of that ilk; Hugh Ross, of Kilravock; sir Kenneth Mackenzie; Mr. John Campbell, of Mammore; sir James Campbell, of Auchinbreck; James Campbell, younger, of Ardinglass; James Halyburtoun, of Pitcur;

Alexander Abercrombie, of Glassoch; Alexander Douglas, of Eagilshaw; and John Bruce, of Kinross. Of the boroughs—sir Patrick Johnstoun, lieutenant-colonel John Erskine, Hugh Montgomery, James Scot, sir John Erskine, Mr. Patrick Monerieff, sir Andrew Home, sir Peter Halket, sir James Smollet, sir David Dalrymple, Mr. John Clerk, Mr. Patrick Ogilvie, George Allardice, Daniel Campbell, and Mr. Alexander Maitland.

The estates had now little but private business before them, and their time was chiefly taken up with the arrangement of the affairs of the African company. On the 26th of February, the committee appointed to examine into the accounts delivered its report to the parliament, and as the affairs of this company had exercised so extraordinary an influence on the fate of Scotland for some years, it may not be uninteresting if we give this report entire:—"The committee to whom it was remitted to consider what the capital stock and interest of the African company may amount to, and how and to whom the same shall be paid, having considered the foresaid remit, with a representation given in to them by the directors of the said company, and the company's books and accounts of money paid in to them, with the instructions relative thereto; and a report of a sub-committee of their number, who did inspect and examine the said company's books, with the said accounts and instructions, and did calculate the sums therein contained, find, that the total capital stock advanced by the proprietors of the said company, with interest thereof at five per cent., from the respective terms at which the same was payable, to the 1st of May, 1707, extends in all to £229,482 15s. 1½d. sterling; and that the total accounts of the debts due by the company, the instructions whereof were also produced to and considered by the committee, extends in principal and interest, to the sum of £14,809 18s. 11d. sterling; both which sums together amount to £244,292 14s. and five-sixths of a penny sterling; out of which sums is to be deducted, of money lent to several of the proprietors, with the interest thereof, the sum of £1,126 13s. 9½d.; so that there remains yet due to the proprietors of the said company, of net balance, upon the 1st of May next, the sum of £243,166 0s. 3d. sterling; which sums the committee are of opinion should be paid in to the company, or those

commissioned by them, out of the equivalent upon the 1st day of May next. And the committee are of opinion, that the court of directors and council-general nominate some particular persons, who shall be authorised to receive the haill capital stock and interest payable to the company, from the commissioners to be appointed for the equivalent, and who shall be empowered to grant a discharge thereof, with absolute warrantice; and that the said persons so to be named, in conjunction with a committee of parliament, to be named as overseers, shall be liable for the said money being truly applied and paid to the proprietors without loss, delay, or defalcation; and that the receipts granted by the company's cashiers, or extracts of the proprietors' payment out of their books, shall be a sufficient instruction of each man's share, to entitle them to demand payment thereof, which extracts shall be given gratis; and that the certificate, or extract out of their books, shall be a sufficient warrant for a charge of horning for payment of their shares, against the persons to be named who receive the money. And the committee are of opinion, that Gavin Plummer and Andrew Cockburn, who were cashiers of the said company when the sums of money foresaid were paid in to the company, should now be the cashiers and tellers for receiving the sums above written from the commissioners of the equivalent, and for paying out and delivering the same to the respective proprietors and others deriving right from them, upon the said Gavin Plummer and Andrew Cockburn, their finding sufficient caution of their faithfulness in performing the premises in the same manner as they found formerly; and in case the said sum be not paid at the said 1st of May next, to the persons foresaid, then, and in that case, the committee are of opinion, that the sum of £155,054 15s. and two-thirds of a penny, as a part of the said total sum due and payable at the said 1st day of May next, should bear annual rent from and after the said 1st day of May, during the nonpayment thereof; and that the annual rent after the 1st of May foresaid, effeiring (*belonging*) to the said sum of £155,054 15s. and two-thirds of a penny, should be paid out of the equivalent, in the same manner, and to the same persons, as the principal sum and annual rents due before the said 1st of May next. And also the committee find, that the debts due to the company, by the proprietors, of their

subscription money, with interest till the 1st of May next, extends to the sum of £22,951 3s. 3 $\frac{1}{2}$ d.; which sum, the said committee are of opinion, needs not to be sought in from the said debtors, in regard the same behoved to be paid back to them, and would increase the capital stock due to the company. And the committee find, that the dead stock belonging to the said company, and consisting of the ship *Caledonia*, lying in the river of Clyde, with her furniture, guns, and apparelling; that lodging at the back of Milns-square, over against the Tron kirk, with some little household plenishing therein, and the company's share of the cargo of the *Speedwell*, shipwrecked in the East Indies, effeiring to the stock of six hundred pounds sterling; with the burden of cellar-rent of the stores of the *Caledonia*, and the expenses of keeping the said ship after the 1st of May; and of the freight, seamen, and factors' wages of the said cargo of the *Speedwell*, and other supervenient charges upon the said ship and cargo, doth, in the whole, extend to £1,654 11s. and two-thirds of a penny sterling; as to which, the committee having considered, that the commissioners of the council-general and directors, who are to receive the money, and grant discharges thereof, are not only to be bound in absolute warrantice by the said discharges, but be obliged to give personal attendance, both at receiving in and giving out the said money, and to keep an office for that effect, and to pay cashiers, tellers, and book-keepers, and to provide books, chests, and other conveniences for receiving and keeping the money until it be paid out; and will be likewise obliged and burdened to employ advocates, writers, and other persons, for advising the discharges to be granted at receiving and paying out of the money, and defending processes on competition of rights, or making up of sufficient titles in the persons of those who are to receive out the money; and the necessary attendance and loss of time of the said commissioners of the council-general and directors, both for bygones and in time coming, and the losses upon telling, at receiving in and giving out of the money; the said committee are of opinion, that the foresaid dead stock, extending in all, with and under the said burden, to the said sum of £1,654 11s. and two-thirds of a penny sterling, ought to be allowed to the said company, and retained by them for the



ends and uses foresaid, and particularly to enable the council-general and directors of the said company to pay such necessary allowances and satisfaction to the several gentlemen who suffered in their persons and goods for the company's services, as their services, losses, and sufferings do justly merit. And the committee having considered the act of parliament establishing the company, privileges therein contained, and that part of the representation relating thereto, they are of opinion that, when the company is dissolved, and the capital stock and interest paid in by the commissioners, and others entrusted with the equivalent, to the hands of the commissioners appointed by the council-general and directors to receive the same, every proprietor's share may be recovered out of the hands of the said commissioners, to be appointed by the said council-general and directors, as other money belonging to private persons."

At length, on Wednesday, the 19th of March, the duke of Queensberry rose in his place as high commissioner, and said—"My lords and gentlemen,—I have received by her majesty's command an exemplification, under the great seal of England, of the act passed in the parliament of that kingdom, ratifying the treaty of union in the same terms as the treaty was passed here. Her majesty orders it to be inserted in the books of parliament, and to remain with the records of this kingdom; for which end I have put it in my lord clerk-register's hand. My lords and gentlemen, it is a great satisfaction to the queen, that the union is thus happily concluded in her reign; and I am commanded by her majesty to assure you, that nothing shall be omitted on her part, to make the whole island feel the good effects of it. And as I doubt not but the finishing of this great affair is acceptable to you, so I hope you will study to promote a cordial union with our neighbours, for the greater happiness and advantage of both kingdoms." Then the exemplification of the act of parliament of England ratifying the treaty of union betwixt Scotland and England, under the great seal of England, was read, and ordered to be recorded. At the same time the act for securing the protestant religion and presbyterian church government; that ratifying and approving

the treaty of union of the two kingdoms of Scotland and England; and the act for settling the manner of electing the sixteen peers and forty members to represent Scotland in the parliament of Great Britain, were ordered to be proclaimed and printed.

The short remainder of the parliament was occupied with private bills, and on the 25th of March, the commissioner adjourned the session, with the following brief address:—"My lords and gentlemen,—The public business of this session being now over, it is full time to put an end to it. I am persuaded, that we and our posterity will reap the benefit of the union of the two kingdoms; and I doubt not, that, as this parliament has had the honour to conclude it, you will, in your several stations, recommend to the people of this nation a grateful sense of her majesty's goodness and great care for the welfare of her subjects, in bringing this important affair to perfection, and that you will promote a universal desire in this kingdom to become one in hearts and affections, as we are inseparably joined in interest with our neighbour nation. My lords and gentlemen, I have a very deep sense of the assistance and respect I have met with from you in this session of parliament; and I shall omit no occasion of showing, to the utmost of my power, the grateful remembrance I have of it."

When this great measure had been thus accomplished, the duke of Queensberry set out for London, and so great was the impression there of the service which he had done for both countries, that he was met in the neighbourhood of the capital by above forty noblemen in their coaches, and about four hundred gentlemen on horseback. Next day he waited upon the queen at Kensington, and was received with the strongest marks of approbation and favour.

The satisfaction throughout England was indeed general, and the queen showed her gratitude to the Scottish noblemen who had supported the union by a distribution of titles and pensions. The earls of Montrose and Roxburgh were created dukes, and Mar and Seafield were placed upon the privy council, while Queensberry himself was raised to the English peerage as duke of Dover, with a pension of three thousand pounds a-year.

## CHAPTER XVI.

THE ACT OF UNION; THE ACT FOR THE SECURITY OF THE ENGLISH CHURCH; AND THAT REGULATING THE SCOTTISH ELECTIONS.

THIS most important act, which we have thus traced to its completion, and which, in spite of all the clamour against it, has proved an immense benefit to Scotland, stands as follows in the ratification by the Scottish parliament:—

*Act ratifying and approving the treaty of the two kingdoms of Scotland and England.—January 16th, 1707.*

The estates of parliament considering that articles of union of the kingdoms of Scotland and England were agreed on the 22nd of July, 1706, by the commissioners nominated on behalf of this kingdom, under her majesty's great seal of Scotland, bearing date the 27th of February last past, in pursuance of the fourth act of the third session of this parliament, and the commissioners nominated on behalf of the kingdom of England, under her majesty's great seal of England, bearing date at Westminster the 10th day of April last past, in pursuance of an act of parliament made in England the third year of her majesty's reign, to treat of and concerning a union of the said kingdoms: which articles were, in all humility, presented to her majesty upon the 23rd of the said month of July, and were recommended to this parliament by her majesty's royal letter of the date the 31st day of July, 1706; and that the said estates of parliament have agreed to and approved of the said articles of union, with some additions and explanations, as is contained in the articles hereafter inserted. And such-like, her majesty, with advice and consent of the estates of parliament, resolving to establish the protestant religion and presbyterian church government within this kingdom, has passed in this session of parliament an act, intituled, "Act for securing of the protestant religion and presbyterian church government," which, by the tenor thereof, is appointed to be inserted in any act ratifying the treaty, and expressly declared to be a fundamental and essential condition of the said treaty of union in all time coming. Therefore, her majesty, with the advice and consent of the estates of parliament, in fortification of the approbation of the articles as above-mentioned, and

for their further and better establishment of the same, upon full and mature deliberation upon the foresaid articles of union and act of parliament, doth ratify, approve, and confirm the same, with the additions and explanations contained in the said articles, in manner and under the provisions after mentioned, whereof the tenor follows.

Article I. That the two kingdoms of Scotland and England shall, upon the 1st day of May next ensuing the date hereof, and for ever after, be united into one kingdom by the name of Great Britain, and that the ensigns armorial of the said united kingdom be such as her majesty shall appoint, and the crosses of St. Andrew and St. George be conjoined in such manner as her majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

II. That the succession to the monarchy of the united kingdom of Great Britain, and of the dominions thereunto belonging, after her most sacred majesty, and in default of issue of her majesty, be, remain, and continue to the most excellent princess Sophia, electoress and duchess-dowager of Hanover, and the heirs of her body, being protestants, upon whom the crown of England is settled by an act of parliament made in England in the twelfth year of the reign of his late majesty king William III., intituled, "An act for the further limitation of the crown and better securing the rights and liberties of the subject:" and that all papists, and persons marrying papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the imperial crown of Great Britain, and the dominions thereunto belonging, or any part thereof; and in every such case, the crown and government shall, from time to time, descend to, and be enjoyed by such person, being a protestant, as should have inherited and enjoyed the same, in case such papist, or person marrying a papist, was naturally dead, according to the provision for the descent of the crown of England made by another act of parliament in England, in the first year of the reign of their late majesties king William and queen Mary, intituled, "An act declar-



ing the rights and liberties of the subject, and settling the succession of the crown."

III. That the united kingdom of Great Britain be represented by one and the same parliament, to be styled "the parliament of Great Britain."

IV. That all the subjects of the united kingdom of Great Britain shall, from and after the union, have full freedom and intercourse of trade and navigation to and from any port or place within the said united kingdom, and the dominions and plantations thereunto belonging, and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles.

V. That all ships or vessels belonging to her majesty's subjects of Scotland at the time of ratifying the treaty of union of the two kingdoms in the parliament of Scotland, though foreign built, be deemed and pass as ships of the build of Great Britain: the owner, or where there are more owners, one or more of the owners, within twelve months after the 1st of May next, making oath, that at the time of ratifying the treaty of union in the parliament of Scotland, the same did, in whole or in part, belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, with the place of their respective abodes, and that the same doth then, at the time of the said deposition, wholly belong to him or them, and that no foreigner, directly or indirectly, hath any share, part, or interest therein; which oath shall be made before the chief officer or officers of the customs in the port next to the abode of the said owner or owners; and the said officer or officers shall be empowered to administer the said oath: and the said oath being so administered shall be attested by the officer or officers, who administered the same, and being registered by the said officer or officers, shall be delivered to the master of the ship for security of her navigation, and the duplicate thereof shall be transmitted by the said officer or officers to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain.

VI. That all parts of the united kingdom for ever, from and after the union, shall

have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements and drawbacks, prohibitions, restrictions, and regulations of trade, and the customs and duties on import and export settled in England, when the union commences, shall, from and after the union, take place throughout the whole united kingdom, excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which, after the union, are to remain safe and entire to them, in all respects, as before the same; and that, from and after the union, no Scots cattle carried into England shall be liable to any other duties, either on the public or private accounts, than those duties to which the cattle of England are or shall be liable within the said kingdom. And seeing, by the laws of England, there are rewards granted upon the exportation of certain kinds of grain, wherein oats ground or unground are not expressed, that, from and after the union, when oats shall be sold at fifteen shillings sterling per quarter, or under, there shall be paid 2s. 6d. sterling for every quarter of the oatmeal exported in the terms of the law, whereby and so long as rewards are granted for exportation of other grains, and that the bear of Scotland have the same rewards as barley. And in respect the importation of victual into Scotland, from any place beyond sea, would prove a discouragement to tillage, therefore, that the prohibition, as now in force by the law of Scotland, against importation of victual from Ireland, or any other place beyond sea into Scotland, do, after the union, remain in the same force as now it is, until more proper and effectual ways be provided by the parliament of Great Britain, for discouraging the importation of the said victual from beyond sea.

VII. That all parts of the united kingdom be for ever, from and after the union, liable to the same excises upon all excisable liquors, excepting only, that the thirty-four gallons English barrel of beer or ale, amounting to twelve gallons Scots present measure, sold in Scotland by the brewer at 9s. 6d. sterling, excluding all duties, and retailed, including duties and the retailer's

profit, at twopence the Scots pint, or eighth part of the Scots gallon, be not, after the union, liable, on account of the present excise upon excisable liquors in England, to any higher imposition than two shillings sterling upon the foresaid thirty-four gallons English barrel, being twelve gallons the present Scots measure, and that the excise settled in England on all other liquors, when the union commences, take place throughout the whole united kingdom.

VIII. That from and after the union, all foreign salt, which shall be imported into Scotland, shall be charged, at the importation there, with the same duties as the like salt is now charged with, being imported into England, and to be levied and secured in the same manner. But in regard the duties of great quantities of foreign salt imported may be very heavy on the merchants importers, that therefore all foreign salt imported into Scotland shall be cellared and locked up under the custody of the merchant importer, and the officers employed for levying the duties upon salt, and that the merchant may have what quantities thereof his occasion may require, not under a wey or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months; but Scotland shall, for the space of seven years from the said union, be exempted from paying in Scotland, for salt made there, the duty or excise now payable for salt made in England; but, from the expiration of the said seven years, shall be subject and liable to proportional duties for salt made in Scotland, as shall be then payable for salt made in England, to be levied and secured in the same manner, and with the same drawbacks and allowances, as in England; with this exception, that Scotland shall, after the said seven years, remain exempted from the duty of 2s. 4d. a bushel on home salt, imposed by an act made in England in the ninth and tenth of king William III. of England. And if the parliament of Great Britain shall, at or before the expiring of the said seven years, substitute any other fund in place of the said 2s. 4d. of excise on the bushel of home salt, Scotland shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty; and that, during the said seven years, there shall be paid in England, for all salt made in Scotland, and imported from thence into England, the same duties upon importation as shall be

payable for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England. And that, after the said seven years, how long the said duty of 2s. 4d. a bushel upon salt is continued in England, the said 2s. 4d. a bushel shall be payable for all salt made in Scotland and imported into England, to be levied and secured in the same manner; and that, during the continuance of the duty of 2s. 4d. a bushel upon salt made in England, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionally for a greater or lesser quantity; for which the carrier, as well as the owner, shall be liable jointly and severally, and the persons bringing or carrying the same to be imprisoned by any one justice of the peace for the space of six months without bail, and until the penalty be paid. And for establishing an equality in trade, that all flesh exported from Scotland to England, and put on board in Scotland, to be exported to parts beyond the seas, and provisions for ships in Scotland, and for foreign voyages, may be salted with Scots salt, paying the same duty for what salt is so employed as the like quantity of such salt pays in England, and under the same penalties, forfeitures, and provisions, for preventing of frauds, as are mentioned in the laws of England; and that, from and after the union, the laws and acts of parliament in Scotland for pining, curing, and packing of herrings, white fish, and salmon for exportation, with foreign salt only, without any mixture of British or Irish salt, and for preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the parliament of Great Britain; and that all fish exported from Scotland to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of British or Irish salt, shall have the same easements, premiums, and drawbacks as are or shall be allowed to such persons as export the like fish from England; and that, for encouragement of the herring fishing, there shall be allowed and payed to the subjects, inhabitants of Great Britain, during the present allowances for other fishes, 10s. 5d. sterling for every barrel of white herrings



which shall be exported from Scotland; and that there shall be allowed five shillings for every barrel of beef or pork salted with foreign salt, without mixture of British or Irish salt, and exported for sale from Scotland to parts beyond sea, alterable by the parliament of Great Britain. And if any matters or fraud relating to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the parliament of Great Britain.

IX. That whenever the sum of £1,997,763 8s. 4½d. shall be enacted by the parliament of Great Britain to be raised in that part of the united kingdom now called England, on land, and other things usually charged in acts of parliament there, for granting an aid to the crown by a land-tax, that part of the united kingdom now called Scotland shall be charged, by the same act, with a further sum of forty-eight thousand pounds free of all charges, as the quota of Scotland to such tax, and so proportionally for any greater or lesser sum raised in England by any tax on land, and other things usually charged together with the land; and that such quota for Scotland, in the cases aforesaid, be raised and collected in the same manner as the cess now is in Scotland; but subject to such regulations in the manner of collecting, as shall be made by the parliament of Great Britain.

X. That during the continuance of the respective duties on stamped paper, vellum, and parchment, by several acts now in force in England, Scotland shall not be charged with the same respective duties.

XI. That during the continuance of the duties payable in England on windows and lights, which determines on the 1st day of August, 1710, Scotland shall not be charged with the same duties.

XII. That during the continuance of the duties payable in England on coals, culm, and cinders, which determines the 30th day of September, 1710, Scotland shall not be charged therewith for coals, culm, and cinders consumed there, but shall be charged with the same duties as in England for all coal, culm, and cinders, not consumed in Scotland.

XIII. That during the continuance of the duty payable in England on malt, which determines the 24th day of June, 1707, Scotland shall not be charged with that duty.

XIV. That the kingdom of Scotland be not charged with any other duties laid on by the parliament of England before the union, except those consented to in this treaty, in regard it is agreed, that all necessary provision shall be made by the parliament of Scotland for the public charge and service of that kingdom for the year 1707; provided, nevertheless, that if the parliament of England shall think fit to lay any further impositions, by way of customs, or such excises, with which, by virtue of this treaty, Scotland is to be charged equally with England, in such case Scotland shall be liable to the same customs and excises, and have an equivalent to be settled by the parliament of Great Britain; with this further provision, that any malt to be made and consumed in that part of the united kingdom now called Scotland, shall not be charged with any imposition upon malt during this present war; and seeing it cannot be supposed that the parliament of Great Britain will ever lay any sorts of burdens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom; therefore it is agreed, that there be no further exemption insisted upon, for any part of the united kingdom; but that the consideration of any exemptions, beyond what are already agreed on in this treaty, shall be left to the determination of the parliament of Great Britain.

XV. Whereas, by the terms of this treaty, the subjects of Scotland, for preserving an equality of trade throughout the united kingdom, will be liable to several customs and excises now payable in England, which will be applicable towards payment of the debts of England, contracted before the union; it is agreed, that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England in all particulars whatsoever, in manner following, viz., that, before the union of the said kingdoms, the sum of £398,085 10s. be granted to her majesty by the parliament of England, for the uses after-mentioned, being the equivalent to be answered to Scotland, for such parts of the said customs and excises upon all excisable liquors, with which that kingdom is to be charged upon the union, as will be applicable to the payment of the said debts of England, according to the

proportions which the present customs in Scotland, being thirty thousand pounds per annum, do bear to the customs in England, computed at one million three hundred and forty-one thousand five hundred and fifty-nine pounds per annum, and which the present excises on excisable liquors in Scotland, being thirty-three thousand five hundred pounds per annum, do bear to the excises on excisable liquors in England, computed at nine hundred and forty-seven thousand six hundred and two pounds per annum, which sum of £398,085 10s. shall be due and payable from the time of the union: and in regard that, after the union, Scotland becoming liable to the same customs and duties payable on import and export, and to the same excises on all excisable liquors as in England, as well upon that account as upon the account of the increase of trade and people (which will be the happy consequence of the union), the said revenues will much improve beyond the before-mentioned annual values thereof, of which no present estimate can be made; yet nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to Scotland; it is agreed that, after the union, there shall be an account kept of the said duties arising in Scotland, to the end it may appear what ought to be answered to Scotland, as an equivalent, for such proportion of the said increase as shall be applicable to the payment of the debts of England. And for the further and more effectual answering the several ends hereafter-mentioned, it is agreed that, from and after the union, the whole increase of the revenues of customs and duties on import and export, and excise upon excisable liquors in Scotland, over and above the annual produce of the said respective duties as above stated, shall go and be applied, for the term of seven years, to the uses hereafter-mentioned, and that, upon the said account, there shall be answered to Scotland annually, from the end of seven years after the union, an equivalent in proportion to such part of the said increase as shall be applicable to the debts of England; and generally, that an equivalent shall be answered to Scotland for such parts of the English debts as Scotland may hereafter become liable to pay by reason of the union, other than such for which appropriations have been made by parliament of England, of the customs or other duties on export and import, excises on all excisable liquors,

in respect of which debts, equivalents are hereinbefore provided: and as for the uses to which the said sum of £398,085 10s., to be granted as aforesaid, and all other monies which are to be answered or allowed to Scotland as said is, are to be applied; it is agreed, that in the first place, out of the foresaid sum, what consideration shall be found necessary to be had for any losses which private persons may sustain by reducing the coin of Scotland to the standard and value of the coin of England, may be made good: in the next place, that the capital stock or fund of the African and Indian company of Scotland advanced, together with the interest for the said capital stock after the rate of five per cent. per annum, from the respective times of the payment thereof, shall be paid; upon payment of which capital stock and interest, it is agreed the said company be dissolved and cease; and also, that from the time of passing the act of parliament in England for raising the said sum of £398,085 10s., the said company shall neither trade, nor grant licence to trade, providing that, if the said stock and interest shall not be paid in twelve months after the commencement of the union, that then the said company may, from thenceforward, trade, or give licence to trade, until the said whole capital stock and interest shall be paid: and as to the overplus of the said sum of £398,085 10s., after payment of what considerations shall be had for losses in repairing the coin, and paying the said capital stock and interest; and also the whole increase of the said revenues of customs, duties, and excises above the present value, which shall arise in Scotland during the said term of seven years, together with the equivalent which shall become due upon the improvement thereof in Scotland after the said term; and also, as to all other sums which, according to the agreements aforesaid, may become payable to Scotland by way of equivalent, for what that kingdom shall hereafter become liable towards payment of the debt of England; it is agreed, that the same be applied in manner following, viz., that all the public debts of the kingdom of Scotland, as shall be adjusted by this present parliament, shall be paid; and that two thousand pounds per annum, for the space of seven years, shall be applied towards encouraging and promoting the manufacture of coarse wool within those shires which produce the wool, and that the first two thousand pounds



sterling be paid at Martinmass next, and so yearly at Martinmass during the space foresaid; and afterwards, the same shall be wholly applied towards encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland, as may most conduce to the general good of the united kingdom. And it is agreed, that her majesty be empowered to appoint commissioners, who shall be accountable to the parliament of Great Britain, for disposing the said sum of £398,085 10s., and all other monies which shall arise to Scotland upon the agreements aforesaid, to the purposes before-mentioned; which commissioners shall be empowered to call for, receive, and dispose of the said monies in manner aforesaid, and to inspect the books of the several collectors of the said revenues, and of all other duties from whence an equivalent may arise; and that the collectors and managers of the said revenues and duties be obliged to give to the said commissioners subscribed authentic abbreviates of the produce of such revenues and duties arising in their respective districts; and that the said commissioners shall have their office within the limits of Scotland, and shall in such office keep books, containing accounts of the amount of the equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the subjects who shall desire the same.

XVI. That from and after the union, the coin shall be of the same standard and value throughout the united kingdom as now in England, and a mint shall be continued in Scotland under the same rules as the mint in England; and the present officers of the mint continued, subject to such regulations and alterations as her majesty, her heirs or successors, or the parliament of Great Britain shall think fit.

XVII. That from and after the union, the same weights and measures shall be used throughout the united kingdom as are now established in England, and standards of weights and measures shall be kept by those boroughs in Scotland to whom the keeping the standards of weights and measures now in use there, does of special right belong; all which standards shall be sent down to such respective boroughs, from the standards kept in the exchequer at Westminster, subject nevertheless to such regulations as the parliament of Great Britain shall think fit.

XVIII. That the laws concerning regulation of trade, customs, and such exises to which Scotland is, by virtue of this treaty, to be liable, be the same in Scotland, from and after the union, as in England; and that all other laws in use within the kingdom of Scotland, do, after the union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to, or inconsistent with this treaty), but alterable by the parliament of Great Britain, with this difference betwixt the laws concerning public right, policy, and civil government, and those which concern private right—that the laws which concern public right, policy, and civil government may be made the same throughout the whole united kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the subjects within Scotland.

XIX. That the court of session, or college of justice, do, after the union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union, subject nevertheless to such regulations for the better administration of justice, as shall be made by the parliament of Great Britain; and that hereafter none shall be named by her majesty, or her royal successors, to be ordinary lords of session, but such who have served in the college of justice as advocates, or principal clerks of session, for the space of five years, or as writers to the signet for the space of ten years, with this provision, that no writers to the signet be capable to be admitted a lord of the session, unless he undergo a private and public trial on the civil law before the faculty of advocates, and be found by them qualified for the said office two years before he be named to be a lord of the session, yet so as the qualifications made or to be made for capacitating persons to be named ordinary lords of session, may be altered by the parliament of Great Britain. And that the court of judicatory do also, after the union, and notwithstanding thereof, remain, in all time coming, within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union, subject nevertheless to such regulations as shall be made by the parliament of Great Britain, and without prejudice of other rights of judicatory: and that all admiralty jurisdic-

tions be under the lord high admiral, or commissioners for the admiralty of Great Britain for the time being; and that the court of admiralty now established in Scotland be continued; and that all reviews, reductions, or suspensions of the sentences in maritime cases, competent to the jurisdiction of that court, remain in the same manner after the union as now in Scotland, until the parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole united kingdom; so as there be always continued in Scotland a court of admiralty, such as in England, for determination of all maritime cases relative to private rights in Scotland competent to the jurisdiction of the admiralty court, subject nevertheless to such regulations and alterations as shall be thought proper to be made by the parliament of Great Britain; and that the heretable rights of admiralty and vice-admiralties in Scotland, be reserved to the respective proprietors as rights of property, subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations as shall be thought proper to be made by the parliament of Great Britain: and that all other courts now in being within the kingdom of Scotland, do remain, but subject to alterations by the parliament of Great Britain: and that all inferior courts within the said limits do remain subordinate, as they are now, to the supreme courts of justice within the same, in all time coming; and that no causes in Scotland be cognizable by the court of chancery, queen's bench, common pleas, or any other court in Westminster-hall; and that the said courts, or any other of the like nature, after the union, shall have no power to cognosce, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same; and that there be a court of exchequer in Scotland, after the union, for deciding questions concerning the revenues of customs and excises there, having the same power and authority in such cases as the court of exchequer has in England; and that the said court of exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things, as the court of exchequer at present in Scotland hath; and that the court of exchequer that now is in Scotland do remain until a new court of exchequer be settled by the parliament of Great Britain in Scotland after the union:

and that, after the union, the queen's majesty and her royal successors may continue a privy council in Scotland for preserving of public peace and order until the parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

XX. That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding of this treaty.

XXI. That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain entire after the union, and notwithstanding thereof.

XXII. That by virtue of this treaty, of the peers of Scotland at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of Scotland in the house of commons of the parliament of Great Britain; and that, when her majesty, her heirs or successors, shall declare her or their pleasure, for holding the first or any subsequent parliament of Great Britain, until the parliament of Great Britain shall make further provision therein, a writ do issue under the great seal of the united kingdom, directed to the privy council of Scotland, commanding them to cause sixteen peers, who are to sit in the house of lords, to be summoned to parliament, and forty-five members to be elected, to sit in the house of commons of the parliament of Great Britain, according to the agreement in this treaty, in such manner as by a subsequent act of this present session of the parliament of Scotland shall be settled; which act is hereby declared to be as valid as if it were a part of, and engrossed in, this treaty; and that the names of the persons so summoned and elected shall be returned by the privy council of Scotland, into the court from whence the said writ did issue; and that if her majesty, on or before the 1st day of May next, on which day the union is to take place, shall declare under the great seal of England, that it is expedient that the lords of parliament of England, and commons of the present parliament of England, should be the members of the respective houses of the first parliament of Great Britain for and on the part of England, then the said lords of parliament of England, and commons of the present parlia-



ment of England, shall be the members of the respective houses of the first parliament of Great Britain, for and on the part of England; and her majesty may, by her royal proclamation under the great seal of Great Britain, appoint the said first parliament of Great Britain to meet at such time and place as her majesty shall think fit, which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great seal of Great Britain, directed to the privy council of Scotland, for the summoning the sixteen peers, and for electing forty-five members, by whom Scotland is to be represented in the parliament of Great Britain; and the lords of parliament of England, and the sixteen peers of Scotland, such sixteen peers being summoned and returned in the same manner agreed in this treaty; and the members of the house of commons of the said parliament of England, and the forty-five members for Scotland, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively in their respective houses of the parliament of Great Britain, at such time and place as shall be so appointed by her majesty, and shall be the two houses of the first parliament of Great Britain; and that parliament may continue for such time only as the present parliament of England might have continued if the union of the two kingdoms had not been made, unless sooner dissolved by her majesty; and that every one of the lords of parliament of Great Britain, and every member of the house of commons of the parliament of Great Britain, in the first and all succeeding parliaments of Great Britain, until the parliament of Great Britain shall otherwise direct, shall take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy, by an act of parliament made in England in the first year of the reign of the late king William and queen Mary, intituled, "An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths;" and make, subscribe, and audibly repeat the declaration mentioned in an act of parliament made in England in the thirteenth year of the reign of king Charles II., intituled, "An act for the more effectual preserving the king's person and government, by disabling papists

from sitting in either houses of parliament;" and shall take and subscribe the oath mentioned in an act of parliament made in England in the first year of her majesty's reign, intituled, "An act to declare the alterations in the oath appointed to be taken by the act," intituled, "An act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended present prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined;" at such time, and in such manner, as the members of both houses of parliament of England are, by the said respective acts, directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, that these words, "This realm, the crown of this realm, and the queen of this realm," mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great Britain; and that in that sense the said oaths and declaration be taken and subscribed by the members of both houses of the parliament of Great Britain.

XXIII. That the foresaid sixteen peers of Scotland, mentioned in the last preceding article, to sit in the house of lords of the parliament of Great Britain, shall have all privileges of parliament which the peers of England now have, and which they or any peers of Great Britain shall have after the union, and particularly the right of sitting upon the trials of peers: and in case of the trial of any peer in time of adjournment or prorogation of parliament, the said sixteen peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other peers of Great Britain. And that in case any trials of peers shall hereafter happen when there is no parliament in being, the sixteen peers of Scotland who sat in the last preceding parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other peers of Great Britain. And that all peers of Scotland, and their successors to their honours and dignities, shall, from and after the union, be peers of Great Britain, and have rank and precedence next and immediately after the peers of the like orders and

degrees in England at the time of the union, and before all peers of Great Britain, of the like orders and degrees, who may be created after the union, and shall be tried as peers of Great Britain, and shall enjoy all privileges of peers as fully as the peers of England do now, or as they or any other peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of peers.

XXIV. That from and after the union, there be one great seal for the united kingdom of Great Britain, which shall be different from the great seal now used in either kingdom; and that the quartering the arms, and the rank and precedence of the lionking-of-arms of the kingdom of Scotland, as may best suit the union, be left to her majesty; and that, in the meantime, the great seal of England be used as the great seal of the united kingdom, and that the great seal of the united kingdom be used for sealing writs to elect and summon the parliament of Great Britain, and for sealing all treaties with foreign princes and states, and all public acts, instruments, and orders of state, which concern the whole united kingdom, and in all other matters relating to England, as the great seal of England is now used; and that a seal in Scotland, after the union, be always kept and made use of in all things relating to private rights or grants, which have usually passed the great seal of Scotland, and which only concern offices, grants, commissions, and private rights within that kingdom; and that until such seal shall be appointed by her majesty, the present great seal of Scotland shall be used for such purposes; and that the privy seal, signet, casset, signet of the justiciary court, quarter seal, and seals of court now used in Scotland, be continued; but that the said seals be altered and adapted to the state of the union, as her majesty shall think fit: and the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the parliament of Great Britain shall hereafter make: and that the crown, sceptre, and sword of state, the records of parliament, and all other records, rolls, and registers whatsoever, both public and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the united kingdom now called Scotland, and that they shall so remain in all time coming, notwithstanding of the union.

XXV. That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with the terms of these articles, or any one of them, shall, from and after the union, cease and become void, and shall be so declared to be by the respective parliaments of the said kingdoms.

*Follows the tenor of the foresaid act for securing the protestant religion and presbyterian church government.*

“Our sovereign lady and the estates of parliament, considering that, by the late act of parliament for a treaty with England for a union of both kingdoms, it is provided, that the commissioners for that treaty should not treat of or concerning any alteration of the worship, discipline, and government of the church of this kingdom, as now by law established: which treaty being now reported to the parliament, and it being reasonable and necessary that the true protestant religion, as presently professed within this kingdom, with the worship, discipline, and government of this church, should be effectually and unalterably secured; therefore her majesty, with advice and consent of the said estates of parliament, doth hereby establish and confirm the said true protestant religion, and the worship, discipline, and government of this church, to continue without any alteration to the people of this land, in all succeeding generations; and more especially, her majesty, with advice and consent foresaid, ratifies, approves, and for ever confirms the fifth act of the first parliament of king William and queen Mary, intituled, ‘Act ratifying the confession of faith, and settling presbyterian church government,’ with the hail (*all the*) other acts of parliament relating thereto, in prosecution of the declaration of the estates of this kingdom, containing the claim of right, bearing date the 11th of April, 1689; and her majesty, with advice and consent foresaid, expressly provides and declares, that the foresaid true protestant religion, contained in the above-mentioned confession of faith, with the form and purity of worship presently in use within this church, and its presbyterian church government and discipline—that is to say, the government of the church by kirk sessions, presbyteries, provincial synods, and general assemblies, all established by the foresaid acts of parliament, pursuant to the claim of right—shall remain and continue unalterable; and that the said presbyterian government shall be the only government of the church within



the kingdom of Scotland. And further, for the greater security of the foresaid protestant religion, and of the worship, discipline, and government of this church as above established, her majesty, with advice and consent foresaid, statutes and ordains, that the universities and colleges of St. Andrews, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom for ever. And that, in all time coming, no professors, principals, regents, masters, or others, bearing office in any university, college, or school within this kingdom, be capable, or be admitted or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the civil government in manner prescribed, or to be prescribed by the acts of parliament. As also, that before or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid confession of faith, as the confession of their faith; and that they will practise and conform themselves to the worship presently in use in this church, and submit themselves to the government and discipline thereof, and never endeavour, directly or indirectly, the prejudice or subversion of the same; and that before the respective presbyteries of their bounds, by whatsoever gift, presentation, or provision they may be thereto provided. And further, her majesty, with advice foresaid, expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, but all and every one of them for ever free of any oath, test, or subscription within this kingdom, contrary to, or inconsistent with, the foresaid true protestant religion and presbyterian church government, worship, and discipline as above established; and that the same, within the bounds of this church and kingdom, shall never be imposed upon, or required of them in any sort. And, lastly, that after the decease of her present majesty (whom God long preserve), the sovereign succeeding to her in the royal government of the kingdom of Great Britain shall, in all time coming, at his or her accession to the crown, swear and subscribe that they shall inviolably maintain and preserve the foresaid settlement of the true protestant religion, with the government, worship, discipline, right, and privileges of this church, as above established by the laws of this kingdom, in prosecution of the claim of right. And it is hereby statute and ordained, that this act of parliament, with the estab-

lishment therein contained, shall be held and observed, in all time coming, as a fundamental and essential condition of any treaty or union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto, in any sort, for ever. As also, that this act of parliament, and settlement therein contained, shall be insert and repeated in any act of parliament that shall pass for agreeing and concluding the foresaid treaty or union betwixt the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said treaty or union, in all time coming. Which articles of union, and act immediately above-written, her majesty, with advice and consent foresaid, statutes, enacts, and ordains to be and continue, in all time coming, the sure and perpetual foundation of a complete and entire union of the two kingdoms of Scotland and England, under this express condition and provision—that the approbation and ratification of the foresaid articles and act shall be no ways binding on this kingdom, until the said articles and act be ratified, approved, and confirmed by her majesty, with and by the authority of the parliament of England, as they are now agreed to, approved, and confirmed by her majesty, with and by the authority of the parliament of Scotland. Declaring, nevertheless, that the parliament of England may provide for the security of the church of England as they think expedient, to take place within the bounds of the said kingdom of England, and not derogating from the security above provided, for establishing of the church of Scotland within the bounds of this kingdom. As also, the said parliament of England may extend the additions and other provisions contained in the articles of union, as above insert, in favour of the subjects of Scotland, to and in favour of the subjects of England, which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the parliament of Scotland. And, lastly, her majesty enacts and declares, that all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with, the terms of these articles as above-mentioned, shall, from and after the union, cease and become void."

To the end of the act of the English parliament ratifying this treaty, was tacked

the following act for the security of the English church:—

*An act for securing the church of England as by law established.*

"Whereas, by an act made in the session of parliament held in the third and fourth year of her majesty's reign, whereby her majesty was empowered to appoint commissioners, under the great seal of England, to treat with commissioners to be authorised by the parliament of Scotland, concerning a union of the kingdoms of England and Scotland, it is provided and enacted, that the commissioners to be named in pursuance of the said act, should not treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline, or government of the church as by law established within this realm: and whereas, certain commissioners appointed by her majesty in pursuance of the said act, and also other commissioners nominated by her majesty by the authority of the parliament of Scotland, have met and agreed upon a treaty of union of the said kingdoms, which treaty is now under the consideration of this present parliament: and whereas the said treaty (with some alterations therein made) is ratified and approved by act of parliament in Scotland; and the said act of ratification is, by her majesty's royal command, laid before the parliament of this kingdom; and whereas it is reasonable and necessary that the true protestant religion professed and established by law in the church of England, and the doctrine, worship, discipline, and government thereof, should be effectually and unalterably secured: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, that an act made in the thirteenth year of the reign of queen Elizabeth, of famous memory, intituled, 'An act for the ministers of the church to be of sound religion;' and also another act, made in the thirteenth year of the reign of the late king Charles II., intituled, 'An act for the uniformity of public prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons in the church of England' (other than such clauses in the said acts, or either of them, as have been repealed or altered by any subsequent

act or acts of parliament); and all and singular other acts of parliament now in force for the establishment and preservation of the church of England, and the doctrine, worship, discipline, and government thereof, shall remain and be in full force for ever.

"And be it further enacted, by the authority aforesaid, that after the demise of her majesty (whom God long preserve), the sovereign next succeeding to her majesty in the royal government of the kingdom of Great Britain, and so for ever hereafter every king or queen succeeding and coming to the royal government of the kingdom of Great Britain, at his or her coronation, shall, in the presence of all persons who shall be attending, assisting, or otherwise then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the church of England, and the doctrine, worship, discipline, and government thereof, as by law established within the kingdoms of England and Ireland, the dominion of Wales, and town of Berwick-upon-Tweed, and the territories thereunto belonging.

"And be it further enacted, by the authority aforesaid, that this act, and all and every the matters and things therein contained, be, and shall for ever be, holden and adjudged to be a fundamental and essential part of any treaty of union to be concluded between the said two kingdoms; and also, that this act shall be inserted in express terms in any act of parliament which shall be made for settling and ratifying any such treaty of union, and shall be therein declared to be an essential and fundamental part thereof."

The Scottish act regulating the elections of representatives, which was also ratified in the English act, was as follows:—

*Act settling the manner of electing the sixteen peers and forty-five commoners to represent Scotland in the parliament of Great Britain.—February 5th, 1707.*

"Our sovereign lady, considering that, by the twenty-second article of the treaty of union, as the same is ratified by an act passed in this session of parliament upon the 16th of January last, it is provided, that, by virtue of the said treaty, of the peers of Scotland at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of Scotland in the house of commons, of the parliament of Great Britain; and that the said



sixteen peers and forty-five members in the house of commons, be named and chosen in such manner as by a subsequent act in this present session of parliament in Scotland should be settled; which act is thereby declared to be as valid as if it were a part of, and engrossed in, the said treaty; therefore her majesty, with advice and consent of the estates of parliament, statutes, enacts and ordains, that the said sixteen peers, who shall have right to sit in the house of peers in the parliament of Great Britain on the part of Scotland by virtue of this treaty, shall be named by the said peers of Scotland whom they represent, their heirs, or successors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the peers present, and of the proxies for such as shall be absent, the said proxies being peers, and producing a mandate in writing duly signed before witnesses, and both the constituent and proxy being qualified according to law; declaring also, that such peers as are absent, being qualified as aforesaid, may send to all such meetings lists of the peers whom they judge fittest, validly signed by the said absent peers, which shall be reckoned in the same manner as if the parties had been present, and given in the said list; and in case of the death, or legal incapacity, of any of the said sixteen peers, that the aforesaid peers of Scotland shall nominate another of their own number in place of the said peer or peers, in manner before and after mentioned. And that, of the said forty-five representatives of Scotland in the house of commons in the parliament of Great Britain, thirty shall be chosen by the shires or stewartries, and fifteen by the royal boroughs, as follows, *videlicet*, one for every shire and stewartry, excepting the shires of Bute and Caithness, which shall choose one by turns, Bute having the first election; the shires of Nairn and Cromarty, which shall also choose by turns, Nairn having the first election; and in like manner the shires of Clackmannan and Kinross shall choose by turns, Clackmannan having the first election; and in case of the death or legal incapacity of any of the said members from the respective shires or stewartries above-mentioned, to sit in the house of commons, it is enacted and ordained, that the shire or stewartry who elected the said member shall elect another member in his place; and that the said fifteen representatives for the royal boroughs be chosen as

follows, *videlicet*, that the town of Edinburgh shall have right to elect and send one member to the parliament of Great Britain; and that each of the other burghs shall elect a commissioner in the same manner as they are now in use to elect commissioners to the parliament of Scotland; which commissioners and burghs (Edinburgh excepted), being divided into fourteen classes or districts, shall meet at such time and burghs within their respective districts as her majesty, her heirs or successors, shall appoint, and elect one for each district, *videlicet*, the burghs of Kirkwall, Wick, Dornock, Dingwall, and Tayne, one; the burghs of Fortrose, Inverness, Nairn, and Forress, one; the burghs of Elgin, Cullen, Barmf, Inverary, and Kintore, one; the burghs of Aberdeen, Inverbervie, Montrose, Aberbrothock, and Breichen, one; the burghs of Forfar, Perth, Dundee, Cowper, and St. Andrews, one; the burghs of Crail, Kilrennie, Anstruther Easter, Anstruther Wester, and Pittenween, one; the burghs of Dysart, Kirkcaldie, Kinghorn, and Burntisland, one; the burghs of Innerkeithing, Dunfermline, Queensferry, Culross, and Stirling, one; the burghs of Glasgow, Renfrew, Rutherglen, and Dumbarton, one; the burghs of Haddington, Dunbar, North Berwick, Lawder, and Jedburgh, one; the burghs of Selkirk, Peebles, Linlithgow, and Lanark, one; the burghs of Dumfries, Sanquhar, Annan, Lochmaben, and Kirkcudbright, one; the burghs of Wigtown, New Galloway, Stranraer, and Whitehern, one; and the burghs of Air, Irvine, Rothesay, Campbeltown, and Inverary, one. And it is hereby declared and ordained, that where the votes of the commissioners for the said burghs, met to choose representatives from their several districts to the parliament of Great Britain, shall be equal, in that case the president of the meeting shall have a casting or decisive vote, and that by and attour his vote as a commissioner from the burgh from which he is sent, the commissioner from the eldest burgh presiding in the first meeting, and the commissioners from the other burghs in their respective districts, presiding afterwards by turns in the order as the said burghs are now called in the rolls of the parliament of Scotland; and in case that any of the said fifteen commissioners from burghs shall decease, or become legally incapable to sit in the house of commons, then the town of Edinburgh, or the district which chose the said

member, shall elect a member in his or their place; it is always hereby expressly provided and declared, that none shall be capable to elect, or be elected, for any of the said estates, but such as are twenty-one years of age complete, and protestant, excluding all papists, or such who, being suspected of popery and required, refuse to swear and subscribe the *formula* contained in the third act, made in the eighth and ninth sessions of king William's parliament, intituled, 'Act for preventing the growth of popery;' and also declaring, that none shall be capable to elect, or be elected, to represent a shire or burgh in the parliament of Great Britain, for this part of the united kingdom, except such as are now capable by the laws of this kingdom to elect, or be elected, as commissioners for shires or burghs to the parliament of Scotland. And further, her majesty, with advice and consent aforesaid, for the effectual and orderly election of the persons to be chosen to sit, vote, and serve in the respective houses of the parliament of Great Britain, when her majesty, her heirs and successors, shall declare her or their pleasure for holding the first, or any subsequent parliament of Great Britain, and when for that effect a writ shall be issued out under the great seal of the united kingdom, directed to the privy council of Scotland, conform to the said twenty-second article, statutes, enactments, and ordains, that until the parliament of Great Britain shall make further provision therein, the said writ shall contain a warrant and command to the said privy council to issue out a proclamation in her majesty's name, requiring the peers of Scotland for the time to meet and assemble at such time and place within Scotland as her majesty and royal successors shall think fit, to make election of the said sixteen peers; and requiring the lord clerk-register, or two of the clerks of session, to attend all such meetings, and to administer the oaths that are or shall be by law required, and to ask the votes; and, having made up the lists in presence of the meeting, to return the names of the sixteen peers chosen (certified under the subscription of the said lord clerk-register, clerk or clerks of session attending) to the clerk of the privy council of Scotland; and suchlike requiring and ordaining the several freeholders in the respective shires and stewartries to meet and convene at the head burghs of their several shires and stewartries, to

elect their commissioners, conform to the order above set down, and ordaining the clerks of the said meetings, immediately after the said elections are over, respectively to return the names of the persons elected to the clerks of the privy council; and, lastly, ordaining the city of Edinburgh to elect their commissioner, and the other royal burghs to elect each of them a commissioner, as they have been in use to elect commissioners to the parliament, and to send the said respective commissioners, at such times, to such burghs within their respective districts as her majesty and successors, by such proclamation, shall appoint, requiring and ordaining the common clerk of the respective burghs, where such elections shall be appointed to be made, to attend the said meetings, and immediately after the election to return the name of the person so elected (certified under his hand) to the clerk of privy council; to the end that the names of the sixteen peers, thirty commissioners for shires, and fifteen commissioners for burghs, being so returned to the privy council, may be returned to the court from whence the writ did issue, under the great seal of the united kingdom, conform to the said twenty-second article: and whereas, by the said twenty-second article, it is agreed, that if her majesty shall, on or before the 1st day of May next, declare that it is expedient the lords and commons of the present parliament of England should be the members of the respective houses of the first parliament of Great Britain, for and on the part of England, they shall accordingly be the members of the said respective houses for and on the part of England; her majesty, with advice and consent aforesaid, in that case only, doth hereby statute and ordain, that the sixteen peers and forty-five commissioners for shires and burghs, who shall be chosen by the peers, barons, and burghs, respectively, in this present session of parliament, and out of the members thereof, in the same manner as committees of parliament are usually now chosen, shall be the members of the respective houses of the said first parliament of Great Britain for and on the part of Scotland; which nomination and election being certified by a writ under the lord clerk-register's hand, the person so nominated and elected shall have right to sit and vote in the house of lords, and in the house of commons, of the said first parliament of Great Britain."



## BOOK IX.

### SCOTLAND FROM THE UNION TO THE PRESENT TIME.

#### CHAPTER I.

DIFFICULTIES WITH REGARD TO THE COMMERCIAL PROVISIONS OF THE UNION; MOVEMENTS OF THE JACOBITES; FRENCH INTRIGUES; ATTEMPTED INVASION BY THE PRETENDER.

WITH the feeling which had been excited against the union, we need not be surprised if there was a general disinclination to facilitate the operation of the treaty, and accordingly this had hardly commenced before the whole country was full of discontent. Fraudulent speculations in trade had been carried on to an extraordinary extent. As the duty on goods imported from abroad was extremely light in Scotland in comparison with the same duties in England, many merchants employed the period between the passing of the act and the 1st of May, after which period all merchandise was to pass from Scotland to England without paying any duty, in bringing into the Scottish ports valuable cargoes of brandies, wines, and other articles, to be brought into England after the union commenced. Again, according to the old international regulations, tobacco passing from England into Scotland had a drawback of sixpence a pound before it left the latter country, and, as after the union tobacco in common with other articles would pass from Scotland to England free, some English merchants sent large quantities of tobacco into Scotland immediately before the act came into operation, in order to make a profit of the drawback, and with no other object than to bring back the tobacco after the drawback had been obtained. Frauds of this kind were practised very extensively, and it was said that even some of the Scottish commissioners themselves had a hand in them and shared in the profits. The loss naturally fell upon the English merchants, who in their anger presented a petition to the parliament on the subject. The house of commons took the matter up rather warmly, and entering into the feeling of the merchants, they passed a vote to the effect that "the importation of goods and merchandise, the growth and produce of France and other foreign

parts, into Scotland, in order to be brought from thence into England after the 1st of May, and with the intention to avoid the payment of the English duties, will be to the damage and ruin of the fair traders, to the prejudice of the manufactures of England, a great loss to her majesty's revenue of the customs, and a very great detriment to the public." Instead of regarding it as a mere temporary evil, the commons proceeded immediately with an act making all foreign goods brought from Scotland after the union liable to the same duties as those imported direct from France or Spain. The Scottish merchants in London immediately petitioned against this act, and so far prevailed, that a saving clause was added in the act, excepting such merchandise as could be proved to be *bona fide* property of Scotchmen in Scotland, and not merely purchased or provided for the occasion; but the weight of proving it was thrown upon the importer. The bill, in this form, passed the commons, but the representations of the Scottish merchants had been more effective in the house of lords, where, after some dispute with the commons, the bill was thrown out. The merchants, however, remained dissatisfied, and when, in June, an immense mass of foreign merchandise, shipped from Scotland, arrived in the Thames, both the ships and their cargoes were seized by the custom-house officers, and their seizure gave rise to much contention and ill-feeling.

This, however, was rather a personal and a temporary grief, but there were others which were more general and threatened to be of longer continuance. Even with the small duties exacted on foreign goods in Scotland before the union, smuggling had been carried on to a considerable extent, but now that the temptation was made so much greater by the imposition of the heavy customs which had previously been confined

to England, the contraband trade increased to such an extent as to be truly alarming, and the common people had been so generally taught by the political agitators that the union was illegal, that they not only assisted the smugglers, but offered open resistance to the authorities, and even in some instances recaptured the smuggled goods which had been seized. This spirit of resistance prevailed to such an extent, that few Scottishmen could be found willing to be employed in enforcing the laws against the smugglers, and it was found necessary to fill the revenue service with Englishmen, which again was made no small subject of discontent. The entire system was new to the Scots, who felt a sort of humiliation in seeing their coasts and the mouths of their firths watched by armed cutters and boats manned with English sailors, who stopped and searched every vessel that entered. Nor were the people better satisfied with the exchequermen, who also were chiefly Englishmen, for the Scots obstinately refused to understand or learn the duties of a gauger. The tax had previously been collected in so loose a manner that the brewers had been allowed to give their own estimate of what they had to pay for, and they now regarded with contempt as well as with astonishment the strange innovation of "bringing sticks to their barrels," as they called it.

The mismanagement in the payment of the equivalent was another subject of great discontent and clamour. Although the money had been promptly voted by the parliament in England, there was great delay in forwarding it to Scotland, so that when the period fixed for the payment expired, it had not arrived. The enemies of the union exclaimed loudly against this as a breach of faith, and, while some declared their opinion that England never intended to pay the money at all, others proclaimed that, as England had broken the agreement between the two countries, the act of union was now null, and therefore binding on nobody. One night, after all the citizens had retired to rest, a party of men paraded the streets of Edinburgh, and halting at the cross, there read a protest in the name of the Scottish nation, that the conditions not having been fulfilled by England, the treaty of the union was void, and that all Scots were at liberty to deliver themselves from it whenever they would. It was said that the duke of Hamilton headed this midnight demonstration. At length, in the

month of August, the money arrived, and was conveyed to the castle of Edinburgh in twelve waggons guarded by dragoons. As they passed along the street, an infuriated mob accompanied them with curses and execrations, and the general odium under which the transaction laboured was increased not a little when it was found that nearly three-quarters of the money was sent in paper. The bank of England had that year advanced to government a sum of one million two hundred thousand pounds upon exchequer-bills bearing interest, which were easily disposed of in London, where they were more convenient to the merchants even than money; but in Scotland they were almost useless, as there were neither funds to meet them, nor large money transactions in which they might be used. The clamour against the bad faith of England was so great, and the refusal to take the bills so general, that the commissioners were seriously embarrassed, and it was with no little difficulty that they persuaded the claimants on the African company to accept half money and half bills, and some took unwillingly bills of exchange on London for the whole of their claims. Nor is this unwillingness to be wondered at when we consider that they were by this transaction losers of a considerable portion of a year's interest on their dividends. The recall and reissue of the coinage, though performed with the utmost fairness and with as much expedition as possible, was also the cause of considerable temporary inconvenience, and the attempt to introduce a uniformity of weights and measures ended in a complete failure.

Amid all this confusion and discontent, the Jacobites began again to take courage and raise their heads, and in most parts of the kingdom they celebrated publicly the birthday of the pretender, while the other parties in the state looked on with apparent apathy. The court of France, informed of the agitation in Scotland, imagined that the moment was come for a successful intrigue in that quarter, and colonel Hooke was again sent over secretly to sound the disposition of the Scottish chiefs. He was directed to make sure of making such a diversion in Scotland as would embarrass the English government and oblige it to recall a portion of the English troops then engaged on the continent. The French king assumed that the Scottish nobility were able to assemble from twenty-five to thirty thousand men, to clothe, arm, and equip them, and



to maintain them in the field during two months, commencing with the beginning of May; and he was urged to procure from them a written obligation, with an exact estimate of their own forces and means, and a statement of the succours they expected, while he was cautioned particularly against saying or doing anything calculated to commit the French king. Hooke's written instructions told him that, "before a revolution which should end in the restoration of the lawful sovereign is begun, it is necessary to enter into a particular detail of the forces and means which the Scots can employ to accomplish it, and of the succours which they may promise themselves from the protection of the king, who is no less interested in the success of this enterprise than his Britannic majesty [*i.e.*, the pretender.] It is for these considerations that his majesty hath judged it proper, before he makes any positive promise to the Scots, to send over Mr. Hooke, in order to acquire upon the spot a perfect knowledge of the state of things, to form a well-digested plan with the nobility, to render it to writing, and to get it signed by the principal men of the country, giving them assurances of his majesty's main desire, and his disposition to send them the succours which may be necessary for them; and his majesty recommends in a very particular manner to Mr. Hooke, not to engage him in expenses which those he is obliged to lay out elsewhere will not allow him to support, nor to give them any room to hope for more than he can furnish."

Colonel Hooke reached Scotland in the latter end of March, 1707, and landed at Slaines castle, on the coast of Buchan. He brought with him a declaration of war, in the name of the pretender, expressed in the following terms:—"James VIII., by the grace of God king of Scotland, &c., to all our beloved subjects of our ancient kingdom of Scotland, greeting. Whereas we are firmly resolved to repair to our said kingdom, and there to assert and vindicate our undoubted right, and to deliver all our good subjects from the oppression and tyranny they have groaned under for above these eighteen years past, and to protect and maintain them in their independency and all their just privileges which they so happily enjoyed under our royal ancestors, as soon as they have declared for us; we do, therefore, hereby empower, authorise, and require all our loving subjects to

declare for us, and to assemble in arms, and to join the person whom we have appointed to be captain-general of our forces when required by him, and to obey him, and all others under his command, in everything relating to our services; to seize the government and all forts and castles, and use all acts of hostility against those who shall traitorously presume to oppose our authority, and to lay hold and make use of what is necessary for the arming, mounting, and subsisting our forces, and obstructing the designs of our enemies." There was something so preposterous in calling upon the Scots to compare the *liberty* they had enjoyed before the revolution with the *tyranny and oppression* they had suffered since, that such a declaration as this, which gave no pledge whatever for the security of religion or liberty, could only be a subject of mockery to the protestant population, and was not likely to be received beyond the extent of the blind jacobitism of the highlanders. Nor were they likely to receive much encouragement from a proclamation which called upon them to expose their lives and properties to immediate danger, while it only promised them the presence of their prince when their success should have made it possible for him to appear among them without danger; for Hooke did bring a written assurance from the pretender, "that as soon as they should appear in arms, and have declared for us, we design to come in person to their assistance with the succours promised us by the most christian king, which cannot be obtained till they have given the evidence of their dispositions."

Hooke arrived at Scotland at an inopportune moment, for not only had the act of union passed the Scottish parliament, but there was a decided division in the jacobite party, corresponding in some degree with a division in the pretender's own court at St. Germain's, where Middleton and the ex-queen formed one party, and the pretender and the earl of Perth another. The duke of Hamilton, who was less decided in his jacobitism, corresponded with the former faction, and the duke of Athol with the latter. Slaines castle was a seat of the earl of Errol, and the countess-dowager of Errol, who was a sister of the earl of Perth, had come to reside in it for the purpose of receiving colonel Hooke, who thus placed himself in immediate connection with the most violent division of the jacobite

faction. Neither Hamilton nor Athol placed any confidence in the designs of the king of France, or in the honesty of Hooke, and both discouraged their friends from making any open demonstration in favour of the pretender, yet the countess of Errol gave him the most flattering accounts of the readiness of the jacobites to support the exile prince. Her son, the earl of Errol, wrote to Hooke in language equally encouraging, and declared that the "well-affected" in Scotland were all convinced that they should obtain better terms for themselves and their country with their swords in their hands than those of the treaty of union. Hamilton, more discreet, sent only a verbal message, expressing his belief that nothing could be done until the pretender shewed himself among them in person, but declining to correspond in writing with the envoy. When, informed of the suspicions of the jacobites that Hamilton was playing them false, Hooke sought an interview with him, the duke suddenly pleaded sickness and could not be seen. Errol himself had been put on his guard against the secret envoy, and when he went northward to meet him, he carried with him three letters from France, one written by Innes, the almoner of the ex-queen, who wished the friends of the pretender to be guided in their actions by the duke of Hamilton, and not to venture anything until he declared himself; a second, from lord Middleton's secretary to a friend in Edinburgh, assuring him that Hooke's mission was a mere feint, and that they were to expect nothing from the king of France; and a third lamenting the hopeless condition of the exiles and their friends. When these letters were shown to him, Hooke was not disconcerted, but he presented letters addressed to the earl of Errol from the king of France and the pretender, and at the same time showed him his credential, with which the earl appears to have been satisfied, and he told him he would consult with his friends with regard to the arrangement of a treaty. This, however, was not what Errol wanted, for his aim was "to put the Scots in motion," as he called it, and that with the least possible expense or risk to the king of France; and, having entered into communication with Athol, he tried to play off these two noblemen against one another; while he proceeded to sound the disposition of the presbyterians. He addressed himself

chiefly to Kerr of Kersland, and he appears to have put entire faith in his declaration, "that the presbyterians are resolved not to agree to the union, because it hurt their consciences, and because they are persuaded that it will bring an infinite number of calamities upon this nation, and will render the Scots slaves to the English. They are ready to declare unanimously for king James, and only beg his majesty that he will never consent to the union, and that he will secure and protect the protestant religion. The declaration with regard to religion ought to be in general terms. Those among the presbyterians who are called Cameronians will raise five thousand men of the best soldiers in the kingdom, and the other presbyterians will assemble eight thousand more. They beg that the king of England [the pretender] would give them officers, especially general officers, and send them powder, for they have arms already. Whenever his Britannic majesty shall have granted the preceding demands, and shall have promised to follow his supplies in person to Scotland, they will take arms against the government, and will give such other assurances of their fidelity as shall be desired. Provided powder be sent them, they engage to defend their own country with their own forces alone against all the strength of England for a year, till the arrival of the king." According to Hooke's account, Kerr further stated that the presbyterians were ready to co-operate with papists or episcopalians in the restoration of the exiled dynasty.

Hooke, believing himself sure of the earl of Errol, now determined to make another attempt upon the duke of Hamilton, and sent him word that, as he was directed to address himself especially to him, he was very anxious for a personal interview. Hamilton sent a priest named Hall as his agent, who gave Hooke a verbal reply to his message, with an abundance of personal compliments, but requesting to know what were the proposals to be made by "the king." He pressed him to repair to Edinburgh, where Hamilton would make an effort to see him. Hooke confessed that he brought no proposals from the king, but, on the contrary, he came for the proposals of the Scots; and he offered to go to Edinburgh if he were assured of an interview with the duke. Hall then said that the duke was so ill it was uncertain if he would be able to see him, but that he was



authorised to tell him that Hamilton was transported that the king had thought him worthy of receiving a letter from his majesty, but that, as he had received no letter from the queen, he took it for granted that she disapproved of the design, and unless it had her approval he could not intermeddle in it. He added, that unless Hooke had any proposals to make, it was useless to proceed any further in the matter. Hooke, upon this, altered his tone somewhat, and, pretending to be offended at the duke's behaviour, said that the latter had been long soliciting succours of France, and now that he was come from the French king to grant them, it was Hamilton's duty to make proposals. Hall, upon this, inquired what support the king of France was prepared to give the Scots. In reply to this, Hooke said it was a question to be decided after he knew the forces they could raise and their means of supporting them, for, though he was willing to assist the Scots in making war, he was not prepared to make war for them. Hall then said that the duke of Hamilton expected the king of France would send them an auxiliary force of ten thousand men, a demand which Hooke treated as ridiculous, and disrespectful to the king. At the close of the conversation he whispered to Hall that he had a private communication to make to the duke, and that in the hope of being admitted to an interview he would wait four days before he communicated with the other lords on the object of his mission. At the end of the four days he received a written message, to the effect that the duke was still too ill to be able to see him, which must also for the present be an excuse for not answering the pretender's letter; that he regretted extremely that he had not been able to give him (Hooke) an interview, that he was ready to concur in all reasonable measures for bringing back the king, but that it was his opinion that it was useless for him to risk his person in Scotland unless he brought with him a considerable force.

The nobles of Hamilton's party followed the example of the duke, and finding he could do nothing with them, colonel Hooke now addressed himself earnestly to the duke of Athol, who, however, did not appear in person, but deputed the office of treating to his brother the lord James Murray and some other nobles of his party. They at first asked much the same questions as had been put by the priest Hall, and made similar

demands, but after a good deal of negotiation, they were so far blinded by their jacobitism that they agreed to accept the protection of the French king, and the following memorial was drawn up and subscribed with the names of Errol, Panmure, Stormont, Kinnaid, James Ogilvy of Boyne, N. Murray, N. Keith Drummond, Thomas Fotheringham of Pourie, and Alexander Innes of Coxtoun:—"We, the underwritten peers and lords, having seen the full power given by his most christian majesty to colonel Hooke, do, in our own names, and in the name of the greatest part of this nation, whose dispositions are well known to us, accept the protection and assistance of his most christian majesty with the utmost gratitude; and we take the liberty to lay before his said majesty the following representation of the present state of the nation, and of the things we stand in need of. The greatest part of Scotland has always been well disposed for the service of its lawful king ever since the revolution, as his most christian majesty has often been informed by some among us, but this good disposition has now become universal; the shires of the west, which used to be the most disaffected, are now very zealous for the service of their lawful king. We have desired colonel Hooke to inform his most christian majesty of the motives of this happy change. To reap the benefit of so favourable a disposition, and of so happy a conjuncture, the presence of the king our sovereign will be absolutely necessary; the people being unwilling to take arms without being sure of having him at their head. We have desired colonel Hooke to represent to his majesty the reasons of this demand. The whole nation will rise up on the arrival of their king; he will become master of Scotland without opposition, and the present government will be entirely abolished. Out of this great number of men we will draw twenty-five thousand foot and five thousand horse and dragoons, and with this army we will march straight into England; we and the other peers and chiefs will assemble all our men each in his respective shire. The general rendezvous of the troops on the north of the river Tay shall be at Perth; those of the western shires shall assemble at Stirling; and those of the south and east at Dumfries and Dunse. Those that shall be nearest the place where the king of England shall land, shall repair to him. We have computed

the number of men which will be furnished by each of the shires that we are best acquainted with; and we have desired colonel Hooke to inform his most christian majesty thereof. For the subsistence of these troops, there will be found in our granaries the harvest of two years; so that a crown will purchase as much flour as will keep a man two months. There will be commissaries in each shire to lay up the corn in the magazines in such places as shall be thought most proper; and commissaries-general, who will take care to supply the army with provisions, wherever it shall march. The same commissaries will furnish it with meat, beer, and brandy, of which there is great plenty all over the kingdom. There is of woollen cloth in the country enough to clothe a greater number of troops, and the peers and other lords will take care to furnish it. There is a great quantity of linen, shoes, and bonnets for the soldiers; they will be furnished in the same manner as the woollen cloths. Of hats there are but few. The same commissaries will furnish carriages for the provisions, the country abounding therein. The inclinations of all these shires, excepting those of the west, for the king of England have been so well known, and so public at all times since the revolution, that the government has taken care to disarm them frequently, so that we are in great want of arms and ammunition. The highlands are pretty well armed after their manner. The shires of the west are pretty well armed. The peers and the nobility have some arms. There is no great plenty of belts and pouches, but there are materials enough to make them. The few cannons, mortars, bombs, grenades, &c., that are in the kingdom, are in the hands of government. No great plenty will be found of hatchets, pickaxes, and other instruments for throwing up the earth; but there are materials for making them. Commissaries will be appointed to furnish cattle for the conveyance of the provisions, artillery, and carriages, the country being plentifully provided therewith. There are some experienced officers, but their number is not great. With respect to money, the state of the nation is very deplorable. Besides that the English have employed all sorts of artifices to draw it out of the kingdom, the expedition of Darien has cost large sums; our merchants have exported a great deal; we have had five years of famine, during which we were obliged to send our money into England

and Ireland to purchase provisions; and the constant residence of our peers and nobility at London has drained us of all the rest. What our nation can contribute towards the war is therefore reduced to these two heads: the public revenue, which amounts to one hundred thousand five hundred pounds sterling a year, and what the nobility will furnish in provisions, clothes, &c., the quantities and proportions of which will be settled upon the arrival of the king of England. Having thus set forth the state of the nation, we most humbly represent to his most christian majesty as follows:—That it may please his most christian majesty to cause the king, our sovereign, to be accompanied by such a number of troops as shall be judged sufficient to secure his person against any sudden attempts of the troops now on foot in Scotland, being about two thousand men, who may be joined by three or four English regiments now quartered upon our frontiers. It would be presumption in us to specify the number; but we most humbly represent to his majesty, that the number ought to be regulated according to the place where the king of Scotland shall land. If his majesty lands north of the river Tay, a small number will suffice for his security, because he will be joined in a few days by considerable numbers of his subjects; he will be covered by the river Tay and the firth of Forth, and all the shires behind are faithful to his interests. But if, on the contrary, his majesty lands upon the south-west or south coast, he will want a large body of troops, on account of the proximity of the forces of the English, and of their regular troops. We believe that eight thousand men will be sufficient. But with respect to the number of the troops, we readily agree to whatever shall be settled between the two kings, being persuaded that the tenderness of the most christian king for the person of our sovereign falls noway short of that of his faithful subjects. We also beseech his majesty to honour this nation with a general to command in chief under our sovereign, of distinguished rank, that the first men of Scotland may be obliged to obey him without difficulty; and to cause him to be accompanied by such general officers as the two kings shall judge proper. The peers and other lords, with their friends, desire to command the troops they shall raise in quality of colonels, lieutenant-colonels, captains, and ensigns, but we want majors, lieutenants, and sergeants, to disei-



pline them. And if our enemies withdraw their troops from foreign countries to employ them against us, we hope that his most christian majesty will send some of his over to our assistance. The great scarcity of money in this country obliges us to beseech his most christian majesty to assist us with a hundred thousand pistoles, to enable us to march straight into England. We stand in need also of a regular monthly subsidy during the war; but we submit in that article to whatever shall be agreed upon by the two kings. We likewise beseech his most christian majesty to send with the king, our sovereign, arms for twenty-five thousand foot and five thousand horse or dragons, to arm our troops, and to be kept in reserve, together with powder and balls in proportion, and some pieces of artillery, bombs, grenades, &c., with officers of artillery, engineers, and cannoneers. We submit in this also to whatever shall be settled between the two kings. We have desired colonel Hooke to represent to his most christian majesty the time we judge most proper for this expedition, as also the several places of landing, and those for erecting magazines, with our reasons for each; and we humbly beseech his majesty to choose that which he shall like best. And whereas several of this nation, and a great number of the English, have forgot their duty towards their sovereign, we take the liberty to acquaint his most christian majesty, that we have represented to our king what we think it is necessary his majesty should do to pacify the minds of his people, and to oblige the most obstinate to return to their duty, with respect to the security of the protestant religion, and other things it will be necessary for him to grant to the protestants. We most humbly thank his most christian majesty for the hopes that he has given us by colonel Hooke, of having our privileges restored in France, and of seeing our king and this nation included in the future peace; and we beseech his majesty to settle this affair with the king, our sovereign. We have fully informed colonel Hooke of several things which we have desired him to represent to his most christian majesty. And we are resolved mutually to bind ourselves by the strictest and most sacred ties to assist one another in the common cause, to forget all family differences, and to concur sincerely and with all our hearts, without jealousy or distrust, like men of honour, in so just and glorious an enterprise."

Those who actually signed this document, also answered by proxy for a certain number of other noblemen, among whom were the duke of Athol, the earls of Niddesdale, Traquair, Galloway, Hume, Wigton, Linlithgow, Murray, Caithness, Eglintoun, Aberdeen, and Buchan, the lords Kenmair, Nairn, Sinclair, Semple, Oliphant, and Saltoun, many other men of note, and some entire counties and districts. How far they were authorised thus to employ their names is a question which has been disputed. Athol avoided all personal participation on the plea of sickness. Lord Breadalbane, who was eighty years of age, declined attaching his signature to the document, but gave a general promise of assistance in the enterprise. The duke of Gordon refused to sign, because he was unwilling that his king should risk his person by coming to Scotland. The earl Marshall was, like Athol, on the sick-list, but he offered them the ordnance which was in Dunnotter castle, consisting of twenty-eight field-pieces and two battering cannons.

The instructions given to colonel Hooke bore the mark of having been drawn up by the violent jacobites, without any consultation with the presbyterians. The pretender was advised to evade the promise of anything particular on the head of religion, by referring the matter to his first parliament; but they expressed a hope that he would grant a general amnesty. They represented that there were only four principal chiefs who favoured the union, and that they were all unpopular among their vassals, who would desert immediately to the pretender's standard, if they were assured of freedom to forsake their feudal lords. They therefore recommended him to offer a release from all feudal obligations to the vassals of those who were opposed to him. They professed a great predilection for France; spoke of the ancient alliances with that country; and said that they always looked to it for the restoration of their liberties and king. They recommended Leith as the best place for effecting a landing, whereby the pretender might at once become master of the capital, where he would be in the midst of supplies of every description, and which was equally convenient for collecting his forces from the north and west, and for organising an expedition against England. Two other places, Kirkecubright and Montrose, were mentioned; the former possessed several advantages, but the jacobites, though they

appear to have been confident in the co-operation of the presbyterians in the west, were unwilling to give them a chance of obtaining an influence over the king by throwing him among them at the first start, while Montrose, though a strong position and in the midst of the pretender's friends, was judged to be too far north. It was further suggested that the expedition might be undertaken most advantageously in the month of August or September, when the English fleet was expected to be absent, and the campaign being nearly at an end for the year, would enable the king of France to detach a part of his troops with greater ease. With these instructions and the memorial, Hooke returned to France, assuring the Scottish jacobites that their king would come to them in the following August. He was received in France with joyful congratulations, and for a while the party who were for immediate action triumphed over that of the queen and Middleton at the court of St. Germain's. But the promise of bringing over the pretender in August was not fulfilled, and the year passed away without any further proceedings on the part of the king of France.

Meanwhile, in Scotland, the irritation caused by the seizure of the Scottish ships and their cargoes in the Thames, continued to rankle in people's bosoms, and it was the more widely spread from the circumstance that much of it is said to have been the speculation of the younger sons of the nobility. Many of these to whom the property belonged, which consisted mainly in wines and spirits, had risked all they had in the adventure, and were unable to support the expense of legal proceedings; but others risked a lawsuit, rather than lose their entire property. In England, the fears of the merchants for what could only be a temporary evil subsided rapidly, especially as a great part of the merchandise had been spoilt or at least kept out of the market, and by the beginning of November, when the British parliament met, it had entirely passed away. In opening the parliament, the queen recommended the affair of the seized merchandise for consideration, and the house of commons, in an address to the queen, requested her to order her attorney-general to stop all further proceedings against the Scottish proprietors of the merchandise. In further accordance with the queen's suggestions, the parliament repealed the act of security, and passed a bill for

rendering the union more complete, which provided that there should be but one privy council in the kingdom of Great Britain; that the militia in Scotland should be regulated in the same way as in England; that the powers of the justices of the peace should be the same throughout the united kingdom; that, for the better administration of justice and preservation of the public peace, the lords of justice should be appointed to go circuits twice in the year; and that the votes for electing members to serve in the house of commons for Scotland should be directed to the sheriffs of the respective counties, and the returns made in the same manner as in England. This bill met with rather a warm opposition by the ministry and those who considered the Scottish privy council as an important instrument of power, but its proceedings had been on many occasions so iniquitous and tyrannical, that the people in general felt little regret at the fate of what its friends represented as one of the most venerable institutions of their country.

When thus the irritation in Scotland, which had been caused by the seizure of the merchandise, and which led Athol's party to believe that the whole kingdom would join the pretender, had gradually subsided, the king of France resolved to do in 1708, what he ought to have done in the preceding year. He appears to have come to this resolution in a pique, occasioned by the attack of the allies on Toulon. Preparations were immediately made at Dunkirk with the greatest secrecy, to which place about five thousand troops were drawn from the garrisons of St. Omer's, Calais, Bergues, Aire, and Lisle. A fleet was at the same time collected in the harbour, consisting of five ships-of-the-line, and two others fitted up as transports, with twenty-one frigates. The command of the fleet was given to the count de Fourbin, and the troops were commanded by M. de Gace, created for this purpose *maréchal de Matignon*. The pretender himself was not informed of these preparations until they were completed, when he proceeded to Dunkirk to join the expedition, and was provided as a sovereign prince with a superb field equipage, services of gold and silver plate, and splendid uniforms and liveries for his guards and servants. He assumed on this occasion the title of the *chevalier de St. George*. The day before he left St. Germain's, he was visited by the king



of France, who presented him with a sword, the hilt of which was studded with diamonds, and told him not to forget that it was French. The pretender replied that, if he had the good fortune to regain the throne of his fathers, he would revisit France to express his acknowledgments in person; in answer to which Louis said, that the best thing he could wish him was, that he might never see him again. As the chosen champion of the Romish faith in Britain, the standards of the pretender's forces bore the significant mottoes, *Nil desperandum Christo duce et auspice Christo* (there is no room to despair, when Christ is our leader and protector), and *Cui venti et mare obediunt, impera, Domine, et fac tranquillitatem* (Thou, Lord, whom the winds and sea obey, command that it be calm.) In the same spirit, the French king addressed a letter to the pope in the following words:—"Holy father, the great zeal which I have always had to re-establish on the throne of England king James Stuart III., is well known to you; though there was not hitherto a time proper for it, as well by reason of the circumstances as by the union of my enemies, which did not allow me to act in so righteous a cause for our holy faith, the chief object of all our actions. We have now thought good to let him depart from our royal seat on the 7th of March, in order to embark himself on board a fleet, where everything has been prepared for him, with sufficient forces to establish him on the throne, after he shall have been received on his arrival by the faithful people of Scotland, and proclaimed as their true and lawful king. I have thought it fit not to omit sending you this important news, that by your ardour the union of our holy mother the church may increase in that kingdom, and that God may prosper him, while the time is favourable. It remains now, holy father, for you to accompany him by your zeal and by your holy benediction, which I also ask for myself, your most loving son."

No sooner was the pretender informed of the real intentions of the king of France, than he dispatched Mr. Charles Fleming, a brother of the earl of Wigton, to communicate with his friends in Scotland, and give them assurance that he would soon be present in person among them. He carried instructions to certain noblemen and gentlemen of the Athol party, authorising them to seize suspected persons with their horses,

to prevent the public money from being sent out of the shires, to enter into private intrigues wherever it was possible for obtaining possession of fortresses and places of strength, to put himself in correspondence with the disaffected in the north of England and in Ireland, and to appoint gentlemen to hold themselves ready on the east coast of the Lothians and other parts of the coasts of Fife, Angus, and the Mearns, who, on a given signal, might repair to the first ship which should appear on the coast, for the purpose of giving full information on the state of the country and carrying on board pilots who were well acquainted with the coasts, and whose fidelity might be depended upon. The more zealous jacobites in Scotland received the intelligence of the design of the French armament with the utmost joy, and when, early in March, Fleming landed at Slaines castle, he was welcomed by the earl of Errol, who lost no time in communicating the intelligence to Malcolm of Grange, and to the pretender's friends in Fife and Lothian. The messenger employed in doing this was a skipper of Edinburgh named George, who had been selected as the pilot to bring "the king" up the firth, and who was directed also to repair to Edinburgh and inform captain Straiton and Lockhart of Carnwath, of the arrival of Fleming, and of the nature of the instructions he had brought with him. But skipper George was so elevated with the character of his employment, that, falling in with friends in Edinburgh, he remained carousing, boasting, and drinking the health of "king James," until the matter was talked of in the town, and the authorities, who had already received information of the intended invasion from different quarters, were put on their guard. In the meantime similar information was dispatched to the earl Marischal, who proceeded in person to the district of Mar to superintend the preparations for James's reception, and Fleming himself went to communicate directly with the chiefs in Angus and Perth. He was introduced to the duke of Athol by Lord Nairn, but as Athol, who had five months before warned his vassals to be in readiness, was not inclined to call them out until he knew who was to command them, Fleming had recourse to an untruth, and gave him to understand that the pretender was to be accompanied by the duke of Berwick. The marquis of Breadalbane undertook to watch the Campbells. The two sons of the exiled

duke of Perth, the marquis of Drummond and the lord Charles, who were residing at Drummond castle, entered zealously into the plot, and readily undertook to employ all their influence to secure its success. In Stirlingshire, Fleming found the jacobite leaders equally zealous, and waiting only for the signal, which was to be given them by the earl of Linlithgow. The titular Roman catholic primate, Nicholson, was at the same time exerting his influence among his co-religionists in the north. The impatience of some of the leaders could be with difficulty restrained, and when, towards the end of March, a false rumour was spread abroad that the pretender had landed in the north, several of the lesser chiefs suddenly rose up in arms, but on being assured that the report was not true, they immediately separated and remained quiet.

There was now, however, no need of such demonstrations to put the government on its guard, for they had received sufficient warnings from quarters whence its accuracy could not be doubted. The Dutch had first suspected the real design of the armament at Dunkirk, and had given information of their suspicions, and intelligence of the arrival of the pretender at that port was instantly conveyed to the English government. As early as the 4th of March, the queen communicated the substance of these informations to the British parliament, and of the danger of an immediate invasion. Both houses replied with loyal addresses; and bills were immediately passed for enforcing the abjuration oath and for suspending the operation of the habeas corpus act in cases of persons suspected of treason. The Scottish clans were absolved from their vassalage to such chiefs as took up arms in favour of the pretender and against the queen; and the chevalier himself and his adherents were proclaimed rebels.

The preparations of the English government to meet the threatened invasion were energetic and decisive. Troops were moved towards the Scottish border, and to the north of Ireland, to be in readiness for any emergency that might occur, while every arrangement was made for the rapid transport of forces from the Netherlands. A fleet was fitted out with the utmost expedition, and was joined by the squadron intended for Lisbon, and within a fortnight after the first intelligence of the French king's design reached the English

court, a fleet of forty men-of-war, under the command of sir George Byng, sir John Leake, and lord Dursley, arrived off Marylande to watch the port of Dunkirk. The comte de Fourbin, who commanded the French fleet, was so completely disconcerted by this unexpected proceeding, that he dispatched an express to Paris, representing the hopelessness of the expedition, and begging to be allowed to resign the command. In order to excuse the delay thus occasioned, a report was spread that the chevalier, as the pretender was now generally called, was attacked by the measles, and that it was not advisable for him to embark before his recovery. The king, however, returned positive orders to proceed with the expedition, and the chevalier having immediately recovered, Fourbin, who continued in the command of the fleet, prepared to seize the first opportunity of sailing. This opportunity was furnished by a heavy gale which set in on the 14th of March, and compelled the British fleet to return to the Downs. On the afternoon of the 17th, the wind promising to be favourable, the French set sail, but before night it changed, and they were obliged to anchor off Newport, and the weather became so tempestuous that three of their frigates were separated from them and compelled to return and take refuge in Dunkirk. The remainder of the fleet was detained off Newport till the 19th, when the wind again shifted. The three vessels driven back to Dunkirk contained eighteen hundred men of the troops, and a large portion of the military stores, which, when complete, were far below the expectations of the Scottish jacobites, so that it became a matter of serious consideration whether it were advisable to proceed in their present condition; but, at a council held in the chevalier's cabin, it was resolved to continue their course to Scotland. The chevalier himself voted for proceeding. It was further resolved to make for the Forth, and land their troops at Burntisland, whence a detachment was to be sent forward to take possession of Stirling-bridge. This plan was proposed by Middleton, contrary, it was said, to the advice of colonel Hooke, who wished them to land in the north. It was not till the 23rd that they came in sight of the Scottish coast, and, finding that they had overshot the mouth of the Forth, they were obliged to sail south again to regain it. The French fleet anchored



at the Isle of May, while, as it had been agreed, a frigate was sent up the river under English colours to give the preconcerted signal by firing twenty guns. The signal, however, was not answered, and, when next morning the British fleet made its appearance, Fourbin gave orders to take advantage of a favourable gale which sprung up and to put to sea with all speed. The French admiral now appointed the bay of Cromarty or Inverness as the place of rendezvous in case of separation, and the fleet proceeded again in a northerly direction, pursued by the British, who kept up a running fight with their rear during the afternoon, and captured one of their ships. While this engagement was going on, the chevalier was very urgent with the comte de Fourbin to be put on shore, declaring that he was willing to remain in Scotland, though none were with him but his own domestics, but Fourbin rebuked him for his indiscretion. As the French fleet was fitted for sailing rather than for fighting, they soon gained on their pursuers, and on the morning of the 29th, having entirely lost sight of the enemy, another council was held, and it was resolved to land at Inverness. But the wind was again contrary to them, and finding at the same time that their provisions were running short, there was no alternative but to return to France, and the admiral gave the order for sailing direct to Dunkirk. They reached the French coast with no further mishap, except the loss of a great number of men by sickness consequent on the crowded state of their ships, those who remained being almost all in a condition which made it necessary to send them into hospital as soon as landed.

In Scotland there was no apparent sympathy for this expedition, and no extensive preparation was made to assist or receive it. When sir George Byng returned from the pursuit, the city of Edinburgh testified their satisfaction at the defeat of the enterprise by presenting him with the freedom of the city in a gold box. The duke of Hamilton had prudently retired into England, and his mother, the dowager-duchess, who remained in Scotland, refused to act in any way during his absence. Almost the only one of his party whose hopes were not damped by this unsuccessful attempt was the pretender himself, who, towards the end of April, sent letters and instructions to his adherents in Scotland, assuring them

that he was preparing for another attempt. He proposed to repair in person to the highlands, with a supply of money, arms, and ammunition, and put himself at the head of his subjects if he found them in arms. If they were not yet up in arms, he urged them to rise as speedily as possible, promising that he would repair to them as soon as he received their answer, adding that, "as he was so desirous of venturing his own person, he hoped they would follow his example, as the time was critical, and not to be neglected." He further assured them of the design of the French king to send over troops to their aid, and promised to stay with them in the highlands until those troops arrived, or at least until the encouraging appearance of things in the south should justify him in proceeding to the lowlands. He was, indeed, so sanguine at this moment, that he actually appointed an engraver to the mint, and gave directions for a coinage.

His friends in Scotland, however, were in the deepest discouragement; for hardly was the danger of invasion over, when the English government turned its attention to those who were known or suspected to have favoured it, of whom considerable numbers were thrown into prison. It gave the English ministers an important advantage in the impending elections, as the parliament was on the eve of dissolution, and their most dangerous opponents were thus deprived of the power of interfering. In the queen's speech on proroguing parliament on the 1st of April, 1708, preparatory to its dissolution, the term "pretender" is said to have been first introduced into the language of parliament. She told the house of commons she took the supplies "to be such undeniable proofs of your zeal and affection to my service, as must convince everybody of your doing me the justice to believe, that all which is dear to you is perfectly safe under my government, and must be irrecoverably lost if ever the designs of a popish pretender, bred up in the principles of the most arbitrary government, should take place." The treatment of the prisoners, who belonged chiefly to the nobility or to the higher classes, gave general offence, because it was unnecessarily insulting and humiliating. As there was no longer a privy council in Scotland, the prisoners were carried to London, in three bands, under a convoy, and publicly exposed to the gaze of the multitude. The duke of

Hamilton had been placed under arrest in England, but by engaging to support the ministers in the ensuing elections he obtained his own liberty and that of his friends. Most of the others were, after examination before the privy council, admitted to bail, an act of indulgence for which they felt little gratitude, as they were already smarting under a sense of degradation, which proved fatal to lord Belhaven, who was seized with an inflammation of the brain, which ended in a few days in his death. Such only as had actually appeared in arms, as the Stirlings of Keir, and Carden and Seaton of Touch, were sent back to Scotland to stand their trial for treason; but even in their case a loop was found in the indictment through which they escaped by a quibble. In the *Salisbury*, the ship captured from the French fleet, were found two sons of the earl of Maitland and the lord Griffin. The latter, now an old man, had been attainted by outlawry for treason committed in the reign of king William, and he was brought to the bar of the queen's bench and a rule made for his execution, but he was reprieved from month to month until he died a natural death.

The general assembly had been appointed to meet on the 15th of April in this year (1708), but amid the alarm of invasion it had been proposed to delay it till a later day. When, however, the failure of the French expedition was known, this proposal was withdrawn, and the meeting was held on the day appointed. The earl of Glasgow, who had been appointed commissioner to this meeting, read a most gracious letter from the queen, in which she expressed much satisfaction at the conduct of the presbyterians in general at a moment when her government had been threatened by invasion from abroad and treason at home, and assuring them of her firm resolution to maintain the Scottish church government as it was then by law established, and to protect them in all their rights and privileges. These sentiments were repeated still

more strongly in the commissioner's speech. Carstairs, who presided as moderator, made an appropriate reply, and, in speaking of the late attempt of the French, he said:—"This assembly doth admire and thankfully acknowledge the surprising and wonderful goodness of an overruling God, in confounding a contrivance that was levelled at the ruin of our holy religion and the civil liberty of not only these nations but of Europe. Blessed be the God of heaven, who hath turned back the haughty enemy with shame, when swelled with hopes of success, of which he did everywhere confidently boast. But whatever encouragement he might have had from some in this part of the island or elsewhere, yet, as it doth already plainly appear, so I am fully persuaded that this assembly will make it manifest to the world, that the presbyterians of Scotland are too sensible of the blessings they enjoy, by the divine favour, under the government of their lawful sovereign queen Anne, and of the many advantages of the late glorious revolution, of which the settlement of the protestant succession by law is none of the least; that they have too great a concern for the protestant church, and too great a detestation of popery and tyranny, and see and hear of too many dismal instances of French government, not to have an abhorrence both of the designs of Versailles and the pretensions of St. Germain's." A dutiful letter was drawn up in reply to that of the queen, and the assembly promised to inculcate the sentiments expressed by their moderator into the people under their charge. They further embodied the moderator's speech into an address to the queen, and appointed a deputation to wait upon her majesty and congratulate her on the delivery of her kingdom from the danger of invasion. They also appointed a day of thanksgiving for God's mercy shown on this occasion. The remaining business of the session related chiefly to ecclesiastical matters, and was mainly distinguished by an increasing ardour against schism and separation.



## CHAPTER II.

RESULT OF THE ELECTIONS AND PROCEEDINGS IN PARLIAMENT AND GENERAL ASSEMBLY; ASCENDANCY OF THE TORIES; THEIR DESIGNS AGAINST PRESBYTERIANISM; DEATH OF QUEEN ANNE.

As it has been already stated, the French attempt and its failure had produced a decided effect on the elections in favour of the government. While their hopes were still high in the expected arrival of the promised armament, the jacobites had exerted themselves strenuously to procure the return of as many of their own party to parliament as possible, but the intelligence of the return of the expedition to France, and the subsequent arrest of so many of their own leaders, overwhelmed them with confusion, and their defeat was completed by the desertion of the duke of Hamilton and others who secured their own personal interests at the expense of those of their party. The result was that the whigs everywhere carried the day, and that the tories could only count a few temporizers among the Scottish representatives in the new parliament, which met on the 16th of November, 1708. As this was the first general election which had taken place under the union, there were, as might be expected, many disputed returns, and the disputes were in many instances carried on with great acrimony on both sides. One of the most important questions which arose on this occasion was that of the eligibility of the sons of Scottish peers as members of the house of commons. In England the sons of peers had been always considered as commoners, and partaken of the same rights; but the case was different in Scotland, where the nobility had possessed a far greater power over the other classes of society, and where to admit the sons of nobles into the commons' house would have been simply to deprive the commons themselves of the right of self-representation. In the elections to the present parliament, some of the nobles had presumed on the amalgamation of the systems of the two countries, or they had wished to try the question, and the lords Haddo, Strathnaver, and Johnstone, and the master of Ross, were among the representatives sent by Scotland into the British house of commons. A petition was presented by some of the gentlemen of the county of Aberdeen against the return of lord Haddo,

which brought the question at once before the house of commons, and it was debated in a committee of the whole house on the 3rd of December. It was shown, on one side, that according to the invariable custom in Scotland, when that country had its own parliament, the sons of peers were not eligible, and examples were adduced which proved this to be the case. Now it was declared by the act concerning the election of the Scottish representatives to the parliament of Great Britain, incorporated in the act of union, that none should be capable to elect or be elected to represent a shire or borough in the parliament of Great Britain, for this part of the united kingdom, except such as were previously capable to elect or be elected as commissioners for shires or boroughs to the parliament of Scotland. It seemed clear enough, therefore, that the sons of peers were ineligible. The only counter-arguments adduced were founded on the English practice, which ought, it was alleged, to be then the rule of the whole island; but the commons decided against them, and the lords just mentioned having been declared incapable of sitting in the house of commons, new writs were issued for the election of others in their room.

The next subject of discussion was more difficult to arrange satisfactorily. It arose out of the election of the sixteen peers, and involved the question whether a Scottish peer who had been raised to the rank of a peer of Great Britain, still retained his position as a peer of Scotland, and, in fact, could exercise the rights of two peerages at once. The question was tried in the case of the duke of Queensberry, who had, as has been already stated, been created a British peer by the title of duke of Dover, but who nevertheless claimed to vote as a Scottish peer at the election of the sixteen representatives for the Scottish peerage in the house of lords. In arguing this case, it was represented that if a peer of Scotland, when made a peer of Great Britain, still retained an interest in electing the sixteen for Scotland, this would create an inequality in the peerage, as some peers would have a

double vote, first, personally, and secondly by representation. This would be giving the crown a power which was never contemplated, as by raising a few Scottish peers to British peerages, the ministers would at any time be able to carry the election of the sixteen peers at their pleasure. To this it was replied, that by a clause of an act passed since the union, the peers of England who were likewise peers of Scotland, had their rights as Scottish peers expressly preserved to them. The answer to this was, that a peer of England and a peer of Scotland held their dignities under two different crowns, and by two different great seals; but that, Great Britain including both, the separate inferior peerage must necessarily merge in the greater. It was further argued that, however the case might be with personal rights which existed before the union, it must be different with creations which took place since. The Scottish members were all opposed to the duke of Queensberry's claim, and the result of a division was the rejection of it by a majority of the house of commons, which decided that English peers could not exercise at the same time the rights of Scottish peers.

Several matters relating to Scotland, of mere temporary interest, were brought forward in this parliament, among which were disputes connected with the commercial relations of the two countries, that caused as usual mutual irritation of feeling. A motion was made in both houses for an inquiry into the circumstances connected with the recent French expedition to Scotland; but its only result was a general approval of the conduct of the English government and of the steps it had taken to avert the danger. This was followed by a measure which was certainly an infringement of the act of union. The ministers were displeased at the facility with which the high court of judiciary of Scotland had allowed the traitors taken in arms in Scotland to escape conviction, and they caused a bill to be introduced in the house of commons for the purpose of assimilating the laws regarding high treason in the two countries, or in other words, for introducing the English law of treason into Scotland. This was violently opposed in the commons, and was consequently laid aside, but it was resumed in the lords, although unanimously denounced by the Scottish peers as an attempt to impose the laws of England upon them against their

will. This bill ordained that all crimes which were high treason by the law of England, and those only, should be high treason in Scotland; that the English mode of proceeding should be adopted there; and that the pains and forfeitures should also be the same as in England. The Scottish peers opposed the bill with the utmost perseverance, contesting every clause, but in vain, for the bill passed the upper house, though a most humane and beneficial clause was inserted, abolishing the use of torture, which down to this time was legal in Scotland. The opposition was again powerful in the commons, and in its passage through that house two amendments were carried, the first ordering that the names of the witnesses should be furnished to the prisoner ten days before the trial, and the other providing that no estate in land should be forfeited for the crime of high treason. When the bill was returned to the lords, a proviso was added that these two amendments should not come into effect until after the death of the pretender. This and other circumstances caused so much discontent in Scotland, that it was thought advisable to appease it by an extensive bill of indemnity, in which a general pardon was granted for all acts of treason except those committed on the high seas, an exception which was intended to apply to the personal attendants on the pretender.

The general assembly had again met, and the earl of Glasgow continued to act as the queen's commissioner. He read a letter from the queen, expressed in the same gracious and approving tone as on the former occasion, and seconded it with similar declarations on his own part. A reply, expressive of gratitude for the peace and protection enjoyed by the church of Scotland under her majesty's government, was made by the moderator, Mr. Currie, minister of Haddington. The assembly occupied itself with matters of a purely ecclesiastical character, among which were the propagating of the gospel, the erecting of schools, and the establishment of parish libraries, in the highlands, and various regulations for internal improvements in the church. A subject of some importance, settled at this time, was that of the poor's funds, the collecting and distributing of which was originally vested in the deacons of the church. When the presbytery was abolished in 1661, and therefore the deacons ceased to exist, the justices of the peace were



empowered to appoint overseers in each parish, which overseers were authorised to call for the collection of the parish, and regulate its distribution to the poor. After the re-establishment of presbyterianism, the deacons resumed the regulation of the poor's fund, and, as the office of justice of the peace was laid aside, no attempt was made to interfere with them; but now, at the union, the office of justices of the peace was revived, and they immediately claimed a right of controlling the funds in the hands of the deacons. The assembly opposed this interference, and, through the medium of the commissioner, they obtained a confirmation of their sole right of directing the management of the poor's funds. By this energetic conduct of the assembly, Scotland was probably saved from the imposition of the English system of poor's rates. When the business of the session was over, the commissioner, alluding in his closing speech to the general harmony which had characterised their proceedings, said, "In considering and ordering what has come before us, we have had no disturbance, but much encouragement and assistance from the throne; we have exercised that power our Lord Jesus Christ has allowed his servants for managing the ecclesiastical affairs of his house, and our God hath so guided us, that we have had no eccentric motions beyond our line, or excursions into civil matters—it being the principle, and I hope shall always be the practice of this church, that he who occupies the pulpit should decline the bench, and such as bear office in the holy ministry should not entangle themselves in the affairs of this life. Whatever different thoughts or reasonings have been amongst us as to the expedience or inexpedience of some things in our present juncture or state of affairs, I am confident there is no reformed church more agreed in discipline, worship, and government, than the present established church of Scotland; and therefore let the apostolical exhortation take place, let brotherly love continue; and let all our emulation be, who shall bear the greatest conformity unto the ever-blessed Son of God, who is meek and lowly in heart, and how to attain to wisdom and the understanding of our times."

Times were now approaching, however, which threatened the peace of the church of Scotland as well as that of the country. In England the supremacy of the whigs had given way under the private influence of

Mrs. Masham and the high-church party which was represented by Dr. Sacheverell. This latter movement excited great alarm among the presbyterians in Scotland, which was not lessened by the wavering conduct of some of the Scottish representatives in parliament. On Sacheverell's trial, several of the Scottish peers whose actions had on former occasions been guided by their personal interests, such as the duke of Hamilton, and the earls of Mar, Wemys, and Northesk, voted with the tories and the high-church party. In the midst of these events the general assembly of Scotland met in the month of April, 1710, with the earl of Glasgow again as commissioner, for the whig ministry had not been displaced. Neither the queen's letter nor her commissioner's speech intimated any change in her sentiments towards the Scottish presbyterians, and the replies and acts of the assembly were as dutiful as before, though perhaps expressed with more caution. They made a strong profession of their attachment to the protestant succession, and appointed a fast to humiliate themselves before God for the removal of various crimes which prevailed through the land, but carefully abstained from hinting at any fears for the stability of the kirk. Such fears, nevertheless, evidently weighed heavily on their minds, and no business of importance was transacted during this session of the assembly. Not long after it had broken up, the queen dismissed her whig advisers, and a tory ministry came into power. The duke of Hamilton was immediately rewarded for the sympathy he had already shown for the tories with the lord-licutenancy of the duchy of Lancaster. The parliament was dissolved, and a general election took place in the very midst of the high-church excitement.

In Scotland, as in England, the elections were carried almost everywhere in favour of the tories, and the whole of the sixteen peers, with about two-thirds of the commons, supported the new ministry, who were joined by several of the great Scottish leaders who had formerly been zealous supporters of the whigs. Among these was Argyle, who was disgusted at the neglect he had experienced from the duke of Marlborough, and Queensberry, who was continued in the new ministry as third secretary of state. Nevertheless, there were few in Scotland who regarded the new ministry with a favourable feeling. The jacobites saw themselves totally disappointed in their

expectations that the tories would promote the restoration of the house of Stuart, while the presbyterians hated and feared their episcopalian prejudices. Nor did the tories, now in power, attempt to conciliate any of the parties in Scotland, and they gave the utmost offence to the mercantile classes by the restrictions they were inclined to place upon their commerce. One of the most offensive of these measures was the imposition of a duty upon the staple manufacture of the country, its linen, which seemed the more unfair as the English woollen manufactory was exempted from duty. This bill was so warmly opposed by the Scottish members in the house of commons, that, after a long debate, Harley allowed his annoyance to find expression in a peevish and inconsiderate remark—"Have we not," he said, "bought them, and a right to tax them? pray, for what end did we give the equivalent?" One of the Scottish members, Lockhart, rose indignantly and replied that, "He was glad to hear now publicly acknowledged by the right honourable gentleman a truth of which he had never doubted, that Scotland had been bought and sold, but he much admired to hear from one who had so great a hand in the purchase, that the equivalent was the price; as nothing was more certain than that the equivalent was paid to Scotland on account of a sum with which the Scottish customs and excise were to be charged, and which was to go to the payment of English debts contracted before the union. Since, therefore, Scotland was bought and sold, it must have been for a price never yet brought to light, and he would be extremely glad to know what the price amounted to, and who received it." An equally obnoxious measure for regulating the linen trade of Scotland, gave rise to still more bitter expressions of feeling in debate; but both bills were passed by ministerial majorities, though that for regulating the linen trade was ultimately thrown out on the question of amendments.

Still, in Scotland, the feeling of alarm ran high among the presbyterians, who looked in vain for any prospect of protection in case the existing establishment of their church were attacked. In their jealousy of the episcopalians, the presbyterians had exhibited a rather unwise intolerance of the English forms of worship, even when exercised only by the chaplains of the regiments sent to protect the country against

invasion. An example occurred at this time, which shows us the rather violent spirit which was abroad, and which in its final result gave the presbyterians further ground of alarm as to the ultimate intentions of the tories. A Mr. Greenshields, whose father was a Scottish episcopalian minister and had been expelled from his parish at the revolution, had been ordained to the ministry by a Scottish bishop in Ireland, and had for several years served a cure there. He now returned to Edinburgh, and there opened a place of worship at which he introduced the English liturgy, a course which none of the episcopalians, who had now obtained a certain degree of toleration, had yet ventured to adopt. He was immediately summoned before the presbytery, and questioned as to the authority under which he exercised the ministerial functions; but, emboldened by the aspect of public affairs, he refused to acknowledge their jurisdiction. The presbytery next prohibited him from exercising any of the ministerial functions within the bounds and liberties of Edinburgh; and as he still set their authority at defiance, the presbytery applied to the magistrates, who at once shut up his meeting-house and committed him to prison. Greenshields now applied for a bill of suspension and liberation, but this was denied unless he would give security not again to exercise the ministerial functions in Edinburgh. Instead of doing this, he brought an action against the magistrates for wrongous imprisonment, but their proceedings were justified by the court of sessions. Lastly, Greenshields made his appeal to the house of lords. The appeal was made at the time when the lords were fully occupied with the trial of Dr. Sacheverell, and its consideration was delayed until the year following (1711), when it was decided against the magistrates, who were condemned to a heavy fine.

This decision, which made a great noise at the time, gave the utmost dissatisfaction to the presbyterians, while, as it was so decided a favour shown to the episcopalians, the jacobites hailed it with joy, and began to look forward to the bringing in of the pretender as a matter of so much certainty, that they were led by their zeal into ridiculous acts of indiscretion. The pretender himself became so sanguine of success, that he caused a medal to be struck, on one side of which was his head, with the inscription *CUJUS EST*, "whose it is," and on



the reverse a map of the British islands, with the inscription REDDITE, "restore it." Some of these medals were distributed in Scotland, and one of them was presented openly to the faculty of advocates by the duchess of Gordon. The partisans of the pretender were rather numerous among the advocates, and a majority were willing enough to receive it, though the present was an embarrassing one. The dean of the faculty, Burnet, hesitated in receiving such a medal, and it was only under the strongly-expressed opinion of some of the advocates whom he consulted, that, at their next meeting, he laid the present before them as an object to be placed in their cabinet of coins and medals, styling it a medal of James VIII., whom the English call the pretender, and moving a vote of thanks to the duchess of Gordon for her gift. The details of what passed at this meeting have been preserved in consequence of the sensation it eventually excited. Some of the faculty were of opinion that to receive such a present was to "throw dirt into the face of the government," and that it implied disloyalty to the queen. One of the advocates of the jacobite party, Mr. Robert Fraser, remarked in answer to this objection, that the medal of Oliver Cromwell, "who deserved to be hanged," and the arms of the commonwealth, had been received for their collection, "and why not this?" "When the pretender is hanged," said Duncan Forbes, "it will be time enough to receive the medal!" Several of the more respectable men in the profession expressed their approval of this opinion, which so provoked a violent jacobite of the party, Dundas of Armiston, that he rose in a heat and addressed the dean in the following language:—"Dean of faculty, whatever these gentlemen may say of their loyalty, I think they affront the queen, whom they pretend to honour, in disgracing her brother, who is not only a prince of the blood, but the first thereof; and if blood can give any right, he is our undoubted sovereign. I think, too, they call her majesty's title in question, which is not our business to determine. Medals are the documents of history to which all historians refer; and therefore, though I should give king William's stamp with the devil at his right ear, I see not how it could be refused, seeing a hundred years hence it would prove that such a coin had been in England. But, dean of faculty, what needs farther speeches? None oppose

the receiving the medal, and returning thanks to her grace, but a few pitiful scoundrel vermin and mushrooms, not worthy our notice. Let us, therefore, proceed to name some of our number to return our hearty thanks to the duchess of Gordon." After this address, the question was put to the vote, and it was decided by sixty-three against twelve, that the medal should be accepted and their thanks returned to the donor, to perform which office, two of the most notorious jacobites of the party, Mr. Dundas and Mr. Hume of Westhall, were chosen. The former acted as spokesman, and he told the duchess that "he returned her the most hearty thanks of the faculty for all her favours, particularly in presenting them with a medal of their sovereign lord the king; hoping, and being confident, that her grace would very soon have an opportunity to compliment them with a second medal, struck upon the restoration of his majesty and the royal family, and the finishing of rebellion, usurping tyranny, and whiggery." Such seditious proceedings as these could hardly pass without observation, and at the instigation of sir David Dalrymple, an extraordinary meeting of the faculty was called, which was numerously attended, and passed a unanimous and strong condemnation of the proceedings of the party who had accepted the medal. Dundas immediately wrote a vindication of his conduct, so full of violence and treason, that the printer, afraid to put it in type, carried the manuscript to the solicitor-general, sir James Stuart, by whom its publication was prevented. The elector of Hanover, meanwhile, had received from London a printed account of the meeting of the advocates' faculty in which the medal had been accepted, and he directed his minister in London to urge the prosecution of the offenders. This was done in a not very intelligible manner, for, without taking any notice of the offenders themselves, the queen deprived sir David Dalrymple of his office, with a reprimand for not having prosecuted those who accepted the medal, and appointed as his successor sir James Stuart, as a reward for the promptness with which he had suppressed Dundas's pamphlet.

At the general assembly which met about this time, Carstairs, the most moderate as well as the ablest and firmest defender of the presbyterian church, was chosen moderator, while the queen was represented by

the earl of Annandale as her commissioner. The queen's letter and her commissioner's speech contained the usual assurances of her determination to maintain the church as by law established. Carstairs replied in the usual terms of acknowledgment for such royal promises; but he added in cautious language an intimation of the fears of the presbyterians. He assured the commissioner that they were amongst the most loyal and faithful of her majesty's subjects, and denied the imputations which had recently been cast upon them by their enemies, of being a divided and despicable part of the nation. "We pray," he added, "that the sovereign and good God may grant that our native country may never be so unhappy as ever to see an experiment made of what truth there is in this matter, or an occasion given to show the vast difference there is as to true resolution and firmness of mind betwixt a solid principle in which conscience is concerned, and disaffected humours and party." "We are not insensible," he continued, "that there are not a few who are waiting for our halting, and that methods have been used by some of them that are openly disaffected to the constitution of our church, to make us uneasy and to tempt us to murmur; and, for gaining their ends, they would surmise that patronages were to be restored, well knowing what an important security to our church the abolition of them is, and how great a value we put upon the law that delivered us from them; but whatever suggestions or endeavours may have been as to this momentous affair, yet, blessed be God, they have had no further effect but to give us a fresh discovery of the wisdom, goodness, and equity of her majesty's conduct as to the concerns of this church." The assembly expressed, though less overtly, similar sentiments in their reply to the queen's letter, in which they declared in unequivocal language their attachment to the protestant succession as established in the house of Hanover. They further passed an act for a form of prayer, in which all the ministers of the kirk were to pray by name for the princess Sophia of Hanover and the protestant line as fixed in her descendants, intimating that this was intended to obviate all equivocation on the words of the prayer; for it appears that the episcopalian and some of the north country curates who did not profess to be presbyterians were in the habit of praying for the queen and her suc-

cessor in such a manner as to give their congregations to understand that they meant thereby the widow of king James and her son the pretender. As might be expected under such circumstances, the acts of this assembly were of no great importance; but they separated with a still stronger expression of their fears, which drew from the commissioner an assurance of the particular care which the queen would have of all their legal rights and privileges.

Although it is very doubtful if the English Tories, now in power, had any intention of giving any substantial gratification to the Jacobites, they found it useful to amuse them with equivocal promises, and a number of petty occurrences at court, which perhaps meant nothing, still presented such an encouraging appearance, that the partisans of king James in Scotland already made sure of triumph. They no longer concealed their expectations of the speedy re-establishment of episcopacy, and they actually appointed a secret committee to divide the spoils. The pretender himself was deceived by these appearances, and by the sanguine representations of his friends, and in the spring of 1711 he adopted the rather singular expedient of writing a long letter to queen Anne, in which he appealed to her affections as a sister to induce her to take the lead in restoring him to the throne which had been occupied by their father. At the opening of parliament in December, 1711, party spirit prevailed to a degree of the utmost animosity, and showed itself on every possible occasion. One of the first questions which arose having any direct relation to Scotland, involved a new dispute about the rights of the Scottish peers. The queen had given a British peerage to the duke of Hamilton, under the title of duke of Brandon, and he was preparing to take his seat in the house of lords under that title, when an objection was raised, in which the Whigs joined with all their strength. It was argued that, since the union, all Scottish peers were peers of Britain except as far as regarded the privilege of sitting and voting in parliament, and that whatever title were given to the duke of Hamilton it must still leave him in the same position as his brethren the other peers of Scotland; and in spite of all arguments to the contrary, the power of the opposition in the house of lords was so great, that the question was carried against him. When the opposition were reproached



with the example of the duke of Queensberry, they replied that he had no more right to sit in the house of lords than any other Scottish peer whatever, but that through neglect his right had not been questioned. The sixteen Scottish peers, who had all joined with the court in supporting Hamilton, drew up an indignant memorial to the queen against what they characterised as a gross breach of the act of union, and withdrew in a body from parliament. The ministry met this opposition in the house of lords by the creation of twelve new tory peers, and as they thus secured a majority, the Scottish peers returned to their seats, and the previous decision against them was reversed, but the duke of Hamilton's right to a seat in the house of lords was not acknowledged till seventy years afterwards.

Several bills passed the parliament this session, and became law, which were aimed at the prejudices of the presbyterians, if not at the security of their church. The first of these was, "an act for preserving the protestant religion, by better securing the church of England; and for confirming the toleration granted to protestant dissenters by the act exempting them from the penalties of certain laws, and for supplying the defects thereof." It was an illiberal law under a seemingly liberal title, and was supported by the whigs on the pretext that, if they had not accepted it, the tories would have brought in a more oppressive measure. It enacted that all persons holding places of profit and trust, who should be convicted of having been present at any meeting for divine worship, where there were above ten persons more than the family, at which the book of common prayer was not used or where the queen and the princess Sophia were not prayed for, should be liable to forfeit their situations, and should be incapable of holding any employment in the public service, until they could declare that for one whole year they had been present at no conventicle. All practitioners of law in Scotland were by this act required to take the oath of abjuration before the month of June. The second of the acts alluded to was one to prevent the disturbing those of the episcopal communion in that part of Great Britain called Scotland in the exercise of religious worship, and in the use of the liturgy of the church of England; and for repealing the acts of the Scottish parliament by which they were subjected to

the jurisdiction and discipline of the presbyterian church courts, and forbidding the civil sanction to their sentences. This bill is said to have originated with the secret committee of the jacobites, and to have been acknowledged by them to be a first step towards the re-establishment of episcopalianism. It excited the alarm of the commission of the general assembly, and they sent up three deputies, Carstairs, Blackwood, and Baillie, to watch its progress. These gentlemen, who objected principally to the removal of the civil sanction from the ecclesiastical censures, as opening a door to all sorts of vice and wickedness, laboured in vain to hinder its progress through the house of commons, where it was opposed almost alone by a few of the Scottish members. On the third reading of the bill, sir David Dalrymple said—"Since the house is resolved to make no toleration on the body of this bill, I acquiesce; and only desire it may be entitled, 'a bill for establishing jacobitism and immorality.'" In the house of lords the opposition showed more strength, though the presbyterian deputation gave dire offence to some of the more rigid of their own persuasion by acknowledging the bishops as a part of the legislature. They pressed in the house of lords for a clause in the bill imposing the oath of abjuration on all jacobites and popish priests, which the tories could not avoid accepting, but they managed to get it worded so as to sit very uneasy on the presbyterians themselves. Two other acts followed, which were still more objectionable to the presbyterians; the one restored church patronage; the other ordered a vacation of the courts of judicature during the Christmas holidays. The presbyterians absolutely proscribed the celebration of Christmas, as a relic of popish idolatry, and it had always been a sore point between them and the episcopalians. In the restoration of patronage, the tories knew that they would have the means of gradually intruding episcopalian clergymen into the cures, and thus break the unanimity of the opposition of the church itself. So strongly opposed were the presbyterians to it, that it had been expressly abolished by the act for securing the protestant religion and presbyterian government, which was ratified by and included in the act of union. The deputies of the church, therefore, remonstrated to the house of lords, in very temperate language, against what would be

a direct breach of the act of union between the two countries, with a representation of the inconveniences which must result from it. They said that in the restoration of patronage, the number of those who would be offended by it was much greater than that of those it would gratify, and that many of the most considerable of the patrons were themselves opposed to it. By restoring patronages, they would give rise to differences and disorders in the church from which it was at present free; and ministers would often be imposed upon parishes by people who were totally ignorant of the circumstances and necessities of the population. A reply to these representations was published, but neither one nor the other affected the progress of the bill, which was passed by large majorities. Meanwhile the presbyterians in Scotland, alarmed at the passing of the toleration act, had prepared and sent an address to the queen against the imposition of the abjuration oath, in which they urged that by the act of union they were absolved from any oath whatever inconsistent with the presbyterian establishment. The final result was that the oath was never pressed, but the act became the source of divisions and bitter heart-burnings among the presbyterian body, which had become very diversified in its character.

Such was the state of things, when the general assembly met on the 1st of May, in the year 1712. The duke of Athol was the queen's commissioner on this occasion, and read a letter from her majesty, in which she reiterated the assurance of her firm purpose to maintain the church of Scotland as established by law, and warned them against any fears and jealousies which might have arisen from the late occurrences. Athol's speech was short, and a mere repetition of the substance of the queen's letter. The moderator of the assembly on this occasion was Mr. Hamilton, professor of divinity in the university of Edinburgh, who replied with great moderation and firmness. With relation to the recent occurrences alluded to in the queen's letter and in the commissioner's speech, he said—"We cannot conceal upon this occasion, that things have been done of late where-with we are most deeply affected, and which may probably lead this assembly to consider seriously of what may be proper for them to do upon such emergents, that they be not found wanting in their duty as to what is

intrusted to them; and as we will be careful to exonerate our consciences with faithfulness and zeal for the interests of pure religion, so we trust our blessed God, who hath guided former assemblies of the church into a behaviour pleasing to her majesty, will enable us to continue in the same course, next after our duty to God, manifesting our unshaken loyalty to our queen." In similar language the assembly said, in their reply to the queen's letter, "The late occurrences which your majesty is pleased to take notice of have, we must acknowledge, possessed us of fears and jealousies. But as we have always embraced and do at present lay hold upon the assurance your majesty is pleased to give us of your firm purpose to maintain the church of Scotland as established by law; so we cannot but, with all dutiful submission, and in that truth and ingenuity that becomes the faithful ministers and servants of our Lord Jesus Christ, put your majesty in mind of the representations and petitions laid before you by the commission of the last general assembly, for a remedy in these matters, humbly hoping that these our most just complaints may come in due time and manner to be redressed." The assembly marked their special approval of the conduct of their commissioners by ordering their addresses and petitions to be inserted in the minutes verbatim, and they endeavoured to promote union, or rather to hinder division, among themselves, by recommending forbearance respecting the oath of abjuration, and mutual charity between those who equally led by their consciences viewed it in different lights. Amid these symptoms of alarm, the assembly continued its active labours for the religious improvement of the highlands; and an unimportant and perfectly peaceable demonstration of the Cameronians, which took place after the closing of the meeting of the assembly, was the only outward manifestation of discontent or agitation.

England and France were now engaged in a treaty for peace, and there was a multiplicity of intrigues going on at the same time between the agents of the French king, the different factions at the court of the pretender, the tories and the jacobites in England, and the queen's ministers and favourites, which it is not necessary here to enter upon. It is said that in the midst of them, queen Anne had been induced to concur in a design for the ultimate restoration of the pretender, who was her brother,



and that the duke of Hamilton was chosen as the secret agent to conduct this delicate negotiation. It is certain that the duke was suddenly treated with the greatest honours, and appointed extraordinary ambassador to the French court; and in his communications with Lockhart of Carnwath, whom he had engaged as his confidential secretary on this mission, he used mysterious expressions which would certainly lead us to suspect something of the kind. But whether this were the case or not, Hamilton's part in the secret design and his life were cut short by an unexpected and melancholy occurrence. He had been engaged during the last nine years in a lawsuit with lord Mohun relating to an estate left by the earl of Macclesfield, which had proved ruinously expensive to both, and had proportionally embittered them against each other. Mohun was a man of violent temper and not very scrupulous character,—he was a professed duellist, and had twice been arraigned on a charge of murder. One day Hamilton and Mohun were both present during the examination of Mr. Whitworth, the father of lord Whitworth, as a witness for the latter against the duke. When he had concluded his evidence, Hamilton remarked aloud that “he had neither truth nor justice in him.” To this lord Mohun immediately retorted, “He has as much as your grace.” Mohun, presuming on his skill as a duellist, intended that this insult should produce a challenge; but finding that Hamilton took no further notice of it, he sent to demand an apology for his remark on Whitworth, and compelled him to fight. The duel took place in Hyde-park, on the 15th of November, 1712, lieutenant-general Macartney acting as Mohun's second, and colonel Hamilton performing that office for the duke, the seconds, as was the custom at that period, engaging each other at the same time as their principals. Mohun as well as Hamilton was excited with passion, and fighting incautiously, both fell at the same time, Mohun being killed on the spot, and the duke expiring before he reached his lodgings. In the state of party feeling at that time, this event, horrible enough in itself, was seized upon as a new object for political rancour, and colonel Hamilton came forward to swear that the duke had not been killed by his antagonist, lord Mohun; but that his death was the consequence of a treacherous thrust of general Macartney's

sword. The latter, well aware how little chance of impartial justice he had at such a moment, fled to the continent, and the government offered a reward of five hundred pounds for his apprehension, to which the duchess of Hamilton added three hundred more. After the accession of George I. the general returned to England and surrendered to stand his trial, upon which he was acquitted of the charge of murder, but found guilty of manslaughter, as a party to the duel. Colonel Hamilton, at the same time, was threatened with a prosecution for perjury, which he avoided by retiring to the continent. Thus perished, in a foolish affair of so-called honour, a nobleman of great power and influence, who had acted a very prominent part in the history of his country, but who, from his uncertain temper and vacillating conduct, served, as has been remarked more than once, the party to whom he was opposed, rather than that to which he was attached.

The peace of Utrecht was signed on the 13th of March, 1713, and the British parliament assembled on the 9th of April following, and was at first entirely occupied with congratulations on the cessation of war. That war had entailed heavy expense, to meet which it was necessary to levy new taxes, and the tory ministry now struck another blow at Scotland. By an express stipulation in the act of union, the malt-tax was not to be levied on Scotland during the war, nor was it to be levied for paying the debts of the war, and an intimation was given in the course of the negotiations that such tax would not be levied for an indefinitely long period, or until it was evident that the Scots were in a condition to support it. The English ministers now suddenly brought in a bill to levy the malt-tax upon Scotland. The Scottish members loudly protested; they appealed to the terms of the union, represented that the tax would be ruinous to Scotland and not beneficial to England; that it would amount to a prohibition of malt liquors in Scotland; that as it was well known that Scottish barley was much inferior to English, it was unfair to tax it equally; and that, if they chose to interpret the words of the act of union in the most literal sense, peace could not be said to have been concluded until it was proclaimed. All was, however, in vain, for the bill was carried through the house of commons by a large majority, and it passed with equal ease through the house of

lords, for though the Scottish members of the house of commons united in resisting this measure, many of the Scottish peers joined with the ministry. The utter inefficiency of the Scottish portion of the parliament to protect their country in such a case, raised their alarm and indignation, and Lockhart of Carnwath, who acted at this time as their leader, called them together to consult on the posture of affairs. When they met, Lockhart pointed out to them the critical condition of Scotland; its trade, he said, was hampered and almost destroyed with prohibitions, regulations, and impositions, laid on by England; the money of the country was all drawn out of it; and, amid these discouraging circumstances, the English government and parliament treated them in such an arbitrary manner, that it was evident they could expect no redress under the union. They already found the disadvantages of being united with a richer and stronger neighbour, and they were experiencing all the evils which the opponents of the measure had predicted. The only remedy was a dissolution of the union, which they must seek to obtain in a legal way. He had no hopes that they would obtain this at once, but they knew not what might happen if they set the question agoing, and the number of its supporters would no doubt increase. To silence the scruples of those who deprecated the separation of the two crowns, he proposed that it should be an express condition of the dissolution that, when it had taken place, the two crowns must descend in the same succession. As Lockhart's proposals met with the general approval of all present, it was resolved, at the suggestion of Baillie of Jerviswood, to hold a conference with the sixteen Scottish peers, and when they met, the duke of Argyle, who sat in parliament as an English peer and not as one of the sixteen, also attended and took the lead in their councils. He expressed himself much disappointed with the result of the union, and said that he was now so fully convinced that it would be destructive to the two countries, that he was ready to join heartily in promoting the repeal of the act. He was seconded by the earl of Mar, and it was agreed among the Scottish members of both houses that they would lay aside all personal differences and unite to obtain this object. They first appointed a deputation, consisting of the duke of Argyle, the earl of Mar, Cockburn of Ormiston, and Lock-

hart of Carnwath, to wait upon the queen and inform her of their design. Though very averse to the subject, she received them graciously, but when she had heard their statements, she only replied that, "She was sorry that the Scots believed they had any reason to complain, but she was of opinion they carried their resentment too far, and wished they did not repent it." The Scots then resolved that, as their power was greatest in the lords, the motion for the repeal of the act of union should be brought in there, and they chose the earl of Findlater, as lord chancellor of Scotland, to be the mover. Accordingly, on the 1st of June, 1713, Findlater, in a rather long and rambling speech, brought forward the motion in the lords, in which he represented that the Scottish nation was in many instances aggrieved: that they were deprived of a privy council, and subjected to the English laws in cases of treason: that their nobles were rendered incapable of being created British peers, and that now they were to be oppressed with the insupportable burden of a malt-tax, when they had reason to expect they should reap the benefit of peace; he therefore concluded by moving, that since the union had not produced the good effects that were expected from it when it was entered into, leave might be given to bring in a bill for dissolving the said union, and securing the protestant succession in the house of Hanover, insuring the queen's prerogative in both kingdoms, and preserving an entire amity and good correspondence between the two nations. He was seconded by the duke of Argyle, who said that he had been an active promoter of the union, because he looked upon it as the best means of securing the protestant succession, and he then believed that it would have had the effect of enriching the one country and securing the liberty of the other; but he now saw that it would beggar Scotland and enslave England, and believing that the protestant succession might be secured without it, he was of opinion that a union which had been so often infringed should now finally be dissolved. Lord North and Grey replied, that the complaints of the Scots were groundless; that the dissolution of the union was impracticable; and he made some sarcastic reflections on the poverty of that nation. He was answered by the earl of Eglintoun, who admitted that the Scots were poor, and therefore he said they were unable to pay the



malt-tax. The earl of Islay, among other pertinent remarks upon the union, observed, that when the treaty was made, the Scots took it for granted, that the parliament of Great Britain would never load them with any imposition that they had reason to believe grievous. The earl of Peterborough compared the union to a marriage. He said, that though England, which must be supposed the husband, might in some instances prove unkind to the lady, she ought not immediately to sue for a divorce, the rather because she had very much mended her fortune by the match. Islay interrupted him to remark, that marriage was an ordinance of God, but the union no more than a political expedient. The earl affirmed, that the contract could not have been more solemn, unless, like the ten commandments, it had come from heaven: he inveighed against the Scots, as a people that would never be satisfied; they would have all the advantages resulting from the union, but would pay nothing by their good-will, although they had received more money from England than the amount of all their estates. To these animadversions the duke of Argyle made a very warm reply. "I have been reflected on by some people," he said, "as if I was disgusted, and had changed sides; but I despise their persons, as much as I undervalue their judgment." He urged, that the malt-tax in Scotland was like taxing land by the acre throughout England, because land was worth five pounds an acre in the neighbourhood of London, and would not fetch so many shillings in the remote countries. In like manner, the English malt was valued at four times the price of that which was made in Scotland: and the tax in the latter country would be so oppressive that it must be levied by a regiment of dragoons. It was remarked that all the whig members voted for the dissolution of that treaty which they had so eagerly promoted; while the tories strenuously supported the measure against which they had once argued with such vehemence. In the course of the debate, the lord-treasurer, the earl of Oxford, observed, that although the malt-tax were imposed, it might be afterwards remitted by the crown. The earl of Sunderland expressed surprise at hearing that noble lord broach a doctrine which tended to establish a despotic dispensing power and arbitrary government. Oxford replied, that his family had never been famous, as some others had been, for

promoting and advising arbitrary measures. Sunderland, considering this expression as a sarcasm levelled at the memory of his father, took occasion to vindicate his conduct, adding, that in those days the other lord's family was hardly known. Much violent altercation followed. At length the motion for the bill was rejected by the small majority of four votes, so nearly was the dissolution of the union carried in the house of lords. The Scottish representatives met again next day, when, satisfied with the moral success in the lords, and aware that they had much less strength in the commons, they resolved to move no further in the matter till the following year; but in the meantime to urge all the Scottish shires and burghs to get up petitions to the queen and to the two houses praying for a dissolution of the union.

This affair gave great encouragement to the extreme jacobites, who remarked with eagerness the inclination which the queen appeared to manifest for the house of Stuart. It was observed that she received with coldness an address of the houses of parliament, who, at the close of the session, begged her to use her influence with the duke of Lorraine and all princes in amity with her, to induce them to afford no shelter to the pretender; while she accepted with marked satisfaction, and caused to be printed in the *Gazette*, an address from the highlands, in which the hope was unequivocally expressed that she would leave the crown to the rightful line of the house of Stuart. In the elections which followed the dissolution of parliament in the month of July, and in which the tories again obtained a large majority, the jacobites were not only bold but boisterous in their exultation. At Edinburgh, after the re-election of Lockhart of Carnwath, the populace assembled round the statue of Charles II. in the parliament-close and drank the health of the queen, the dissolution of the union, and all true Scotchmen; and they then proceeded to the high-cross, and repeated there the same ceremony. At the same time the presbyterian ministers were alarmed by reports of the appearance of numbers of popish missionaries in the northern districts, and of the success of their labours among the highlanders.

The general agitation of mind produced by these events was the greater on account of the evidently declining health of the queen, and the friends of the protestant

succession and of the house of Hanover in which it was established, were no less active in Scotland than in England. During the year 1713, several of the nobility and gentry of Scotland who were most strongly attached to these principles, including the earl of Buchan, his brothers Thomas and Charles Erskine, George Drummond, Alexander Campbell (commissary of the artillery), Robert Stuart (one of the regents of the college of Edinburgh), James Nimmo, and John Martin of Ayres, had formed what they called the Hanoverian club, which secretly organised and directed the whig party. The presbyterian ministers, moreover, were active in various ways, and, besides several pamphlets coming from individuals, the general assembly judged it expedient to publish, in the name of the church, *A Seasonable Warning concerning the Danger of Popery*, which was extensively circulated, and made a considerable sensation.

In the new parliament which met on the 16th of February, 1714, the tory party, if united, was all powerful, but the counsels of its leaders were paralysed by the personal jealousies of its leaders the earls of Oxford and Bolingbroke. Parliament was on this occasion opened by commission, and then adjourned to the 2nd of March, when the queen was able to attend in person, and delivered her speech. She complained somewhat bitterly of people who "went about to distract the minds of men with imaginary dangers," as though she had ever done anything tending to shake the security of their religion and liberties; and both houses, in their addresses, expressed in the strongest language their detestation of such practices and of all who encouraged them. Bitter debates followed in both houses, on questions connected with the succession, which were but little calculated to calm people's minds. In Scotland, the warnings and exhortations of the presbyterian ministers soon produced their effect, and their friends among the gentry prepared for resistance in case of an anticipated rising of the jacobites. On the 18th of March, sir William Cunningham of Cunningham-head, lieutenant-colonel Maxwell of Cardoness, Alexander Ferguson of Craigdarroch, Thomas Gordon of Earlstoun, Porterfield of Duchel, Charles Miller as a deputy from Glasgow, and M'Tagart from Irvine, with others to the number of about fourteen, met at Dalmellington in Kyle, and after discussing the

posture of affairs, drew up in writing the following resolutions:—"Several gentlemen from the southern and western parts of this nation, being apprised of the dangers that both the civil and religious liberties of these nations seem to be under, from the growth of popery, and the insults of papists and jacobites, made upon our laws and constitution, owning themselves boldly to be in the interest of a *popish pretender*, in defiance of the said laws, and openly arming themselves for putting their wicked designs in execution, have, out of their zeal for the queen's majesty, and support of her government, the protestant succession in the family of Hanover, and for maintenance of our happy constitution in church and state, thought fit, for strengthening one another's hands, to lay down the measures following for their joint security, viz.—1st. That a general correspondence be kept among the well-affected nobility, gentry, and citizens within the shires of Clydesdale, Renfrew, Ayr, Galloway, and Nithsdale, with the stewartries and bailliaries thereof, and that their meeting be once a quarter; and their first meeting is to be at Dalmellington, upon the 1st of June next. 2nd. It is recommended to the said persons to fix a particular meeting in each shire, stewartry, bailliary, and burgh; where such a number of well-affected persons shall be invited to be present, as in prudence may be judged proper for carrying on the said design: and that they send such a number of correspondents to the general meeting, as the necessity of affairs at the time shall require. 3rd. It is likewise thought advisable, that at the general meeting there be correspondence kept with the well-affected in other places of this nation, particularly with our friends at Edinburgh, either by letters, or having some of them present as shall be thought most expedient; and that the measures at the said meeting may be the better concerted, it is thought requisite that they have intelligence frequently from London, not only from their own members who are there during the session of parliament, but from some other knowing persons of the English nation, who are friends to the interest. 4th. In further prosecution of the said design, that it be recommended to some particular gentlemen of the shires of Ayr and Galloway, to keep a correspondence, in name of the said meeting, with our friends in the kingdom of Ireland, whereby such methods may be gone into, as may be for



their mutual security. 5th. And for their mutual defence and security, let it be earnestly recommended to each of the said particular meetings, to fall upon such prudent and expeditious methods to put their people in a defensive posture, in such a manner as they shall see proper, and conform to law." Other meetings were held in different parts, money was subscribed for the purchase of arms, and the friends of the house of Hanover were privately exercised in the use of them.

Nor were the jacobites behind them in activity, for they held frequent meetings in different parts of Scotland, and boldly avowed their hopes and expectations, while medals of the pretender were distributed in considerable numbers. One of these jacobite demonstrations was much talked of at the time. At Lochmaben races, on Saturday, the 29th of May, at which there was a great assemblage of gentlemen and country people, the two prize plates were ornamented with jacobite emblems of a very seditious character. On one a woman was represented, with a balance in her hand, as the representative of justice, and over her head the inscription *IUSTITIA*. In the margin was the further inscription *SUUM CUIQUE*, which was interpreted, "Gin ilka body had their ain." The second plate represented several men in a posture of falling, with their heads downwards, with one more eminent than the rest above them, and the inscription, from Ezek. xxi., 27, "I will overturn, overturn, overturn it, and it shall be no more, until he come whose right it is, and I will give it him." After the race, Maxwell of Tinwall and his brother, Johnston of Wamphrey, Carruthers of Rammerscales, the master of Burlcigh, and others of the jacobite gentry, proceeded with drums beating and colours displayed to the cross, where, in the presence of the assembled multitude, they drank the health of the pretender upon their knees. The boldness of the jacobites was not less in the south, where, even in London, at a dinner in a public tavern of which lord Fingal was a steward, the tickets of admission bore the image of the pope trampling heresy under his feet.

Encouragement to these indiscreet demonstrations was certainly given by the favour with which the queen appeared to receive all advances from the jacobite party, and by her expressions of resentment at the equally indiscreet conduct of the whig opposition, who literally persecuted her and

her ministers with their complaints of the danger with which the protestant succession was threatened, and perhaps thus made her less inclined to adopt any decisive measures for protecting it that she would otherwise have been. In the midst of this multiplicity of intrigues and alarms, on the 5th of June, all parties were surprised by the sudden appearance of a proclamation from the queen, offering a reward of five thousand pounds for the apprehension of the pretender whenever he should land or attempt to land in Great Britain. The ostensible reason of this unexpected paper was the discovery of two Irish officers enlisting men for the service of the pretender, who were arrested at Deal, and one of whom had a pass from the earl of Middleton, the pretender's secretary of state. As the queen had issued this proclamation without consulting her tory advisers, the latter were overcome with astonishment, and the whigs in the house of commons, seizing the advantage thus given them, moved next day in the house of commons that the sum to be given for the apprehension of the pretender should be a hundred thousand pounds, and they spread abroad the report that the queen had become convinced that the succession of the pretender to the English throne was totally incompatible with the safety and even existence of the church of England. It seems most probable, however, that as Anne's faculties were becoming weaker, some of her attendants who wished to court favour with the elector of Hanover, had so far worked upon her fears and prejudices as to extort it from her.

These symptoms, the yet undecided struggle for power between Oxford and Bolingbroke, and the little inclination which the main body of the English tories showed towards the pretender's cause, soon broke up the alliance which had been formed among the Scottish representatives. Those of the jacobites whose zeal for the cause was greater than their care for their personal interests, were for joining Bolingbroke in the belief that he was the only minister likely to promote their views. The greater number, however, hesitated between the two great rivals, and wavered from one side to the other as each appeared likely to gain the ascendant. The consequence was a complete division and breaking up of the secret committee of the Scottish representatives, when the question of renewing the motion for the dissolution of the union was brought

forward. The same disunion among the Scottish tories was shown in a proposal to bring into parliament a bill for the resumption of the bishops' rents for the benefit of the episcopalian conforming ministers. Lockhart, who had been at first selected to bring this bill forward in the house of commons, was first deserted by his friends, and then compelled to desist by the ministers. The Scottish jacobites, in resentment of the treatment they had received from the ministers, joined the opposition and carried several questions against them. A quarrel thus arose between the government and the jacobites, which was only just made up when, on the 9th of July, the queen in person prorogued the parliament, in a speech in which she alluded with some bitterness to the state of the public mind, and boasted of her regard for the rights and liberties of her subjects at a time when her acts had certainly had a contrary tendency. "I hope early in winter," she said, "to meet you again, and to find you in such a temper as is necessary for the real improvement of your commerce and of all other advantages of peace. My chief concern is to preserve to you and to your posterity our holy religion and the liberty of my subjects, and to secure the present and future tranquillity of my kingdoms. But I must tell you plain,

that these desirable ends can never be attained unless you bring the same dispositions on your parts; unless all groundless jealousies, which create and foment divisions among you, be laid aside; and unless you show the same just regard for my prerogative, and for the honour of my government, as I have always expressed for the rights of my people."

Queen Anne never met her parliament again. After the prorogation, the dissensions between Oxford and Bolingbroke rose to a still greater height, until at length, on the 27th of July, they were put an end to by the dismissal of the former from his offices, and Bolingbroke triumphed as prime minister. But the queen had been so agitated by these disputes, and by the violent conduct of the two rivals, that two days after her condition became alarming, and she only survived till the morning of the 1st of August. Whatever may have been the ultimate designs of Bolingbroke himself, or of the tory ministry, their personal dissensions had prevented them from taking any effective measures to secure the carrying of them out; and, by the able management of the whig leaders at this difficult crisis, the elector of Hanover was quietly placed on the throne of Great Britain under the title of George I.

### CHAPTER III.

#### ACCESSION OF GEORGE I.; HIS POLICY TOWARDS SCOTLAND; DISAFFECTION OF THE EARL OF MAR.

THE ease and rapidity with which the protestant succession had been secured and the tory government overthrown, was a severe blow to the jacobites, and, by destroying their present hopes, drove the more zealous partisans of the Stuarts towards desperate measures. The regency, which was appointed in London to direct the government until the king's arrival, lost no time in forwarding an account of these important events to the earl of Islay, who held the office of lord justice-general of Scotland, and to the provost of Edinburgh. The despatch arrived in Edinburgh on Wednesday, the 4th of August, about midnight, and its contents were immediately made known to the

servants of the crown, who were ordered to be in attendance at eight o'clock on the following morning. They met at the lodgings of the duke of Montrose, where they found the marquis of Tweeddale, the earls of Rothes, Morton, Buchan, Lauderdale, Haddington, Leven, Hyndford, Hopetoun, and Roseberry, the lords Belhaven, Elibank, Torphichen, Polwarth, and Balgony, general Wightman, and a considerable number of the principal gentry, officers of the army, and chief inhabitants of the city. After the necessary arrangements had been made, the streets being lined with the city trained bands, the duke with the whole party proceeded in cavalcade to the town council.



house, where the lord provost, with the other magistrates and town council, the lord president, and other lords of the session, the lord chief baron and other barons of the exchequer, with the commissioners of the revenue, and many other honourable gentlemen, waited to receive them. A proclamation of the accession of George I. to the throne was then duly signed; after which, at about eleven o'clock, the city trained bands formed a double line from the council-house to the cross, where a theatre or stage had been erected for the ceremony. Mr. Henry Maule, deputy of the lord lyon king-at-arms, ushered by six trumpets, the heralds and pursuivants in their coats, by two and two mounted the cross: then followed the lord provost, with the other magistrates and town council, in their robes, ushered by sixteen of the ordinary officers of the city, in their livery coats, with the sword and mace, borne by the proper officers, all uncovered. The lord provost, with the sword and mace went to the cross; but the town council proceeded to the theatre, and there received his grace the duke of Montrose and his company: all having thus taken their stations, the high and mighty prince George, elector of Brunswick-Lunenburg, was, with sound of trumpet, proclaimed king of Great Britain, France, and Ireland, by the lyon's depute, the lord provost reading to him the words of the proclamation. This was followed by a discharge of the great guns from the castle, and three volleys from the city guards, which were answered by a discharge of the great artillery and small arms in St. Ann's-yard, near the royal palace of Holyrood-house, where to prevent disturbances the regular troops were encamped upon the news of her majesty's illness. The proclamation was received with loud shouts, and other acclamations of joy, from the cross, the stage, and the streets, which, with the windows, were crowded with spectators. After this ceremony was concluded, the duke of Montrose, with the nobility, gentry, the lord provost, and town council, returned to the town-house, where they drank the health of his majesty, and other loyal toasts. They next proceeded to the camp, where major-general Wightman received them at the head of the troops, and entertained them very handsomely in his tent, where they again drank the king's and other loyal healths, amid discharges of the cannon and small arms. The day was concluded with

ringing of bells, illuminations, a discharge of the great guns from the castle, and all other demonstrations of extraordinary joy. The jacobite party were so confounded at the sudden revolution, that they durst not move a tongue against it in public, but some of them, in private whisperings, advised others to silence, telling them that the elector of Hanover being now proclaimed king, it was treason to speak a word against him; while others affirmed that king James (as they called the chevalier) would land, with a foreign force, in the roads of Leith, in a very short time; and some of them said plainly, that this being the only proper season for him to appear, if he came not then, they would look upon him as an impostor ever after. Such was the private conversation among the ill-affected that night in Edinburgh. Any disturbances were prevented by the prudent precautions of the government. For better security, the wooden bridge before the castle gate was cut, and a part of it made to draw up, and an intrenchment was cast up betwixt that and the castle wall, and soldiers placed with small arms. Such of his majesty's troops as were quartered at Dundee and other places of the kingdom, were at the same time summoned to the capital, and arrived at the camp in a day or two; and all other precautions were taken, as seemed suitable to the present occasion.

The proclamation was made similarly in the other principal towns in Scotland, and the ceremony passed off everywhere peaceably, except in Glasgow, where there was a popular tumult, in the course of which the mob destroyed the episcopalian meeting-house. Even this solitary riot was said to have been instigated by the jacobites themselves, in order that they might have a pretext for complaining that they were to be persecuted for their religious principles.

The good effect produced by the ease with which the tories had been overthrown in England was so general, that nearly all the foreign powers hastened to assure the new king of their friendship and support, and even the court of France considered it expedient to order the pretender, who had repaired to Versailles on receiving intelligence of the death of the queen, to leave that kingdom. King George landed at Greenwich early in the morning of the 18th of September, and on the 20th made his public entry into the capital. The strong predilection of the king for the whigs was

immediately shown by an entire change in nearly all the offices of state, those belonging especially to Scotland being now distributed as follows:—The duke of Argyle was appointed commander-in-chief of the army; the duke of Roxburgh succeeded the earl of Findlater as keeper of the great seal; and the duke of Athol was deprived of the privy seal, which was given to the marquis of Annandale. The king began his Scottish policy by showing an earnest wish to conciliate the presbyterians, and in his first council he voluntarily called for the oath to preserve the church of Scotland as by law established, which he took and subscribed in the most solemn manner, ordering a minute of this transaction to be made in the council-book, and a copy to be sent to the court of session in Scotland, to be entered in the book of sederunt, and be preserved among the public records of the kingdom. At the end of this ceremony, the king made the following declaration, which, at the request of the lords of the council, was made public:—"Having in my answers to the addresses of both houses of parliament, fully expressed my resolution to defend the religion and civil rights of all my subjects, there remains very little for me to say upon this occasion. Yet being willing to omit no opportunity of giving all possible assurances to a people who have already deserved so well of me, I take this occasion also to express to you my firm purpose to do all that is in my power for the supporting and maintaining the churches of England and Scotland, as they are severally by law established; which, I am of opinion, may be effectually done, without the least impairing the toleration allowed by law to protestant dissenters, so agreeable to christian charity, and so necessary to the trade and riches of this kingdom. The good effects of making property secure are nowhere so clearly seen, and to so great a degree, as in this happy kingdom; and I assure you that there is not any amongst you shall more earnestly endeavour the preservation of it than myself." This declaration gave the greatest satisfaction to the presbyterians, who were foremost among the numerous loyal addresses which came from different classes of the people of Scotland. In addition to their address, the commission of the national assembly, to show their gratitude for the promises of favour held out to them, appointed Carstairs, with Mr. William Mitchell, and Mr. James Hart,

ministers in Edinburgh, Mr. Thomas Lining, minister at Lesmahago, and Mr. James Ramsay, minister at Kelso, as a deputation to repair to the king, and express their feeling by word of mouth. They arrived in London about the end of October, and were on the 1st of November presented to his majesty by the duke of Montrose. Carstairs, as their spokesman, addressed his majesty in the following speech, which was delivered in French:—"May it please your majesty, the ministers and elders of the commission of the general assembly of the church of Scotland, had such a particular satisfaction in your majesty's happy accession to the throne of these nations, that they did not only embrace, with the greatest cheerfulness, the first opportunity of congratulating your majesty by an humble address, upon so remarkable an event, in which the divine goodness to these nations, and to all protestant churches, doth signally appear, but they did also judge it their duty to appoint us, who now, through your royal goodness, have the honour to be in your majesty's presence, to testify, in their name, the deep and thankful sense they have of the mercy of the God of heaven, who hath brought your majesty to your dominions in peace and safety, and placed that crown upon your royal head, to which your majesty alone had a just and unquestionable right; and that in such a way as fills both your majesty's friends and loyal subjects with admiration and thankfulness, and your open and secret enemies with amazement and confusion, even when they were big with expectations of having a popish pretender advanced to the throne, which now, to the universal joy of all the true lovers of the protestant religion, and of the civil liberties of men, your majesty is rightfully possessed of. And long may the crown flourish upon the head of a prince, whose eminent virtues are an ornament, and give a bright lustre to it. We persuade ourselves, great sir, that the noble patriots of north Britain, who are deservedly honoured with your majesty's favour, have so fully informed you of the zeal of the church of Scotland for the interest of your majesty and your royal family, that there is nothing left for us to represent on that head; only we may truly say, that it was a zeal so rooted and sincere, that the menaces of those who were as great enemies to the protestant succession in your royal family, as they were to the constitution of our church, could not shake; nor



could the discouragements which they brought upon us, for our firm adherence to your majesty's just title, either cool it upon the one hand, or, upon the other, so inflame it, as to make us go beyond those bounds that were consistent with our loyalty to our late sovereign queen Anne, and our concern for your majesty's interest, which the enemies of your majesty and the church of Scotland did greatly long and wish for, and was one of the happy instances of their late disappointment. We do not, sir, mention these things to plead merit with your majesty; for we did nothing but what was our duty to God, to our country, and indeed for our own true interest; there being few, if any, in Scotland, who are enemies to our church establishment, but such as are equally so, and for the same reason, to the late revolution, and to your majesty's just title: only we hope that we shall have the honour to be always considered by your majesty as your faithful and loyal subjects, and have your gracious protection. We are, may it please your majesty, deeply sensible of the great goodness our church hath already received remarkable proofs of from your majesty, in your most gracious answer to the humble address of the commission of the general assembly of our church, and in your majesty's obliging yourself, so seasonably, by oath, to maintain the presbyterian government, doctrine, worship, and discipline of the church of Scotland, with all the legal rights and privileges thereof; so that your majesty has given us good ground to hope, that we shall not only be preserved from all insults and encroachments upon our constitution for the future, but that we shall also have favourable hearing as to any just and seasonable representations of what is grievous to us, which we may presume at any time to lay before your majesty. We humbly beg leave to assure your majesty, that it will be the care of the ministers of our church to behave themselves, as that it may appear they are steady in their loyalty to your majesty, as the only rightful and lawful sovereign of these nations, and zealously concerned for the quiet of your government; and that they will be earnest and constant in their endeavours to instruct the people, and to establish them in their duty and affection to your majesty's person and government; that they may not be imposed upon by false insinuations and artifices of such as are enemies to both. May the all-sufficient God present your

majesty with the blessings of his goodness, and convey an uninterrupted succession of signal mercies to all your dominions, in your royal progeny, to latest posterity. May your hand find out all your enemies. May your majesty never have a subject who shall have so little regard to God and his conscience, as ever to be an abettor of the chevalier, whom by solemn oath he hath abjured. May all the protestant churches, and Europe in general, find the advantages of your wise and just administration. May the eternal God grant you length of days upon earth, and crown you at last with glory, honour, and immortality, in the highest heavens." The king replied as follows:—"I heartily join with you in your thankfulness to God for having blessed your remarkable firmness in so good a cause with the desired success. You may be sure of a suitable return on my part, by protecting you in the enjoyment of all your just rights and privileges." The deputies were subsequently introduced to the prince and princess of Wales, who similarly assured them of the sense they had of the zeal of the church of Scotland to the protestant succession in their family; and told the commissioners that the church of Scotland might assure themselves of their countenance and favour.

On the 15th of January, 1715, appeared the proclamation calling a new parliament, and the large majority of the elections were carried by the whigs. In England they were attended in many instances by riots and acts of considerable violence; but in Scotland they passed over quietly, with only one exception, which occurred at Inverness in the north. The government candidate, John Forbes of Culloden, was here violently opposed by Mackenzie of Prestonhall, who, having married the baroness of Lovat, eldest daughter of the tenth lord Lovat, claimed to be the head of the clan Fraser, though the Frasers would not acknowledge him. The laird of Prestonhall came with Glen-garry and a powerful body of highlanders to force the Frasers to vote for him against Forbes. But another personage had made his appearance again, the notorious Simon Fraser, who had escaped from prison in France and was now soliciting his restitution in Scotland. The clan of the Frasers were strongly attached to him as the only chief they acknowledged, and at his instigation, they voted for the government candidate and signed a loyal address to the king.

The torics attempted to form a party among the nobles, but they were defeated, and all the sixteen representatives to the house of peers were professed friends to the protestant succession—most of them were known to be staunch adherents to the Hanoverian interest. The new parliament met in the month of March, and soon afterwards the general assembly of the kirk of Scotland met in Edinburgh. The earl of Rothes acted as the king's commissioner on this occasion, and his majesty, in his letter, told the assembly: "We are so well satisfied with the proofs the church of Scotland has given of their steady adherence to the protestant succession in our family, the loyalty and affection they have shown to our person and government, and their constant zeal for the protestant interest, that we very willingly countenance with our authority this first assembly of our reign. We cheerfully embrace this opportunity of assuring you that we will inviolably maintain the presbyterian church of Scotland, her rights and privileges, as we engaged to do upon our accession to the crown, and will protect her from any illegal insults and encroachments being made upon her of what kind soever." The presbyterians, who had but just escaped from the fear of persecution, were warm in their expressions of gratitude, and in the assembly's reply to the king's letter, they assured him of their willingness to comply with his various recommendations. "We are deeply sensible," they said, "of the necessity of a holy and well-qualified ministry for advancing the great ends of the gospel of our Redeemer, and that profane churchmen are one of the greatest plagues that either a church or civil society can have; and we shall not be wanting in using our utmost endeavours to answer that your majesty can expect of us in our present circumstances as to this matter." In the spirit of these beginnings of their meeting, the assembly passed several acts declaratory of their loyalty, as well as certain rather severe decrees against episcopalian ministers and separatists.

While the government of king George was thus conciliating their own natural friends and allies, they were provoking the opposite party by the perhaps ill-advised hostility with which they pursued them. Before the king's strong predilection for the whigs was openly declared, the torics had hoped to obtain his favour by their professions of loyalty and attachment, and some

of them had made direct offers of their services. Among these was the earl of Mar, one of the late queen's ministers for Scotland, who addressed the following letter to the king from Whitehall before he set out for England:—"Sire,—Having the happiness to be your majesty's subject, and also the honour of being one of your servants as one of your secretaries of state, I beg leave by this to kiss your majesty's hand, and congratulate your majesty's happy accession to the throne, which I would have done myself the honour of doing sooner, had I not hoped to have the honour of doing it personally ere now. I am afraid I may have had the misfortune of being misrepresented to your majesty, and my reason for thinking so is, because I was I believe the only one of the late queen's servants whom your ministers here did not visit, which I mentioned to Mr. Harley and the earl of Clarendon, when they went from home to wait on your majesty; and your ministers carrying so to me was the occasion of my receiving such orders as deprived me of the honour and satisfaction of waiting on them and being known to them. I suppose I had been misrepresented to them by some, upon account of party, or to ingratiate themselves by aspersing others, as our parties have too often occasion. But I hope your majesty will be so just as not to give credit to such misrepresentations. The part I acted in bringing about and making of the union, when the succession to the crown was settled for Scotland on your majesty's family, when I had the honour to serve as secretary of state for the kingdom, doth, I hope, put my sincerity and faithfulness to your majesty out of dispute. My family had the honour, for a great tract of years, to be faithful servants of the crown, and have had the care of the king's children, when kings of Scotland, entrusted to them. A predecessor of mine was honoured with the care of your majesty's grandmother, when young; and she was pleased to express some concern for our family in letters which I still have under her own hand. I had the honour to serve her late majesty in one capacity or other ever since her accession to the crown. I was happy in a good mistress, and she was pleased to have some confidence in me and regard for my service; and since your majesty's happy accession to the crown, I hope you will find that I have not been wanting in my duty in being instrumental in keeping things quiet and peaceable in



the country to which I belong and have some interest in. Your majesty shall ever find me as faithful and dutiful a subject and servant as ever any of my family have been to the crown, or as I have been to my late mistress the queen. And I beg your majesty may be so good as not to believe any misrepresentations of me, which nothing but party hatred, and not the zeal for the interest of the crown, doth occasion; and I hope I may presume to lay claim to your royal favour and protection. As your accession to the crown hath been quiet and peaceable, may your majesty's reign be long and prosperous, and that your people may soon have the happiness and satisfaction of your presence among them, is the earnest and fervent wish of him who is, with the humblest duty and respect, sire, your majesty's most faithful, most dutiful, and most obedient subject and servant." Mar further obtained a loyal address to the king, with offers of their services, from upwards of a hundred highland chiefs who were generally looked upon as not among the best affected to the protestant succession. But this attempt at conciliation was in vain; the address was suspected of being an intentional deception, and was ill-received, and the earl was deprived of his office. The jacobite nobles were further provoked by some acts of perhaps unnecessary rigour. At Inverlochy and some other places the highlanders held private meetings and seemed inclined to rise, while in more than one instance, in their drunken frolics at night, they proclaimed the pretender. The government immediately ordered inquiry to be made into these reported acts of dissatisfaction, and at the same time the duke of Gordon was ordered to remain within the bounds of the city of Edinburgh, the marquis of Huntley to confine himself within his house at Brahan, and lord Drummond in Drummond castle. Lord Drummond, however, made his escape to the highlands, and thence sent to the regency to offer bail for his good behaviour. Two other men of influence, Campbell of Glenderule and Macdonald of Slait, were placed under arrest and carried prisoners to Edinburgh. A great hunting match, which had been appointed in the highlands, and which was suspected to have a political object, was forbidden; and the duke of Athol was ordered to stay at his castle of Blair, to preserve the peace of the country. Soon afterwards, an ill-judged proclamation of the pretender, dated on

the 29th of August, 1714, at Plombières, and printed in English, French, and Latin, made its appearance. In it he proclaimed his rights to the throne of Great Britain, and called upon all princes to come forward and protect in his person the cause of injured royalty, inviting his subjects to return to their obedience to the old legitimate stock as the only means of obtaining favour from heaven. He declared his conviction of the intentions of the late queen to restore him, in a manner which left no doubt in the minds of the whigs of the treasonable designs of their opponents. "Contrary to our expectations," he said, "upon the death of the princess our sister, of whose good intentions towards us we could not for some time past well doubt (and this was the reason we thus sat still, expecting the good effects thereof, which were unfortunately prevented by her deplorable death), we found that our people, instead of taking this favourable opportunity of retrieving the honour and true interests of the country, by doing us and themselves justice, had immediately proclaimed to their king a foreign prince to our prejudice, contrary to the fundamental and incontestible laws of hereditary right."

For a time, while the jacobites in England were showing their discontent in local turbulence and outrage, in Scotland they appeared to be perfectly tranquil; but early in the year 1715, various circumstances occurred which seemed to show that there were secret preparations for a rising in favour of the chevalier. Towards the end of February, information was carried to the duke of Argyle at Edinburgh, that a vessel laden with arms and ammunition had arrived in the Isle of Skye and landed its cargo, and that five officers, who had come with it, had immediately dispersed themselves among the highlands. This was followed by a private assurance that arms and ammunition had been extensively distributed among the highlanders, who were in daily expectation of the arrival of the pretender, and were ready to rise immediately in his favour. Upon these reiterated warnings, Argyle, in virtue of his office of commander-in-chief of the army in Scotland, held a consultation with the dukes of Montrose and Roxburgh, as to the best distribution of the small number of regular troops then in that kingdom. The same day Argyle reviewed the earl of Forfar's regiment; and the dragoons who were scattered along the border, were called in and stationed on the

lines of Leith. That the fears of the government were not groundless appeared soon after by seizures of arms in several parts of the highlands; and so bold had the partisans of the pretender become at Dundee, that the magistrates actually forbade, by drum and open proclamation, and under a penalty of forty pounds Scots, any one of the inhabitants of that town to celebrate the birthday of king George on the 27th of May. The loyal burghers, to evade the penalty, marched out of the town, and drew up in arms at the house of Didhope, which was beyond the limits of the jurisdiction of the magistrates. After drinking many loyal toasts, and celebrating the king's birthday in a very noisy manner, they returned peaceably to the town. The magistrates, who seemed to have reckoned upon their committing some disorder or breach of the peace, consoled themselves next day by celebrating the restoration of Charles II.; and on the 10th of June following, some of them assembled at the cross and there drank the health of the pretender as king James VIII. At Crieff on the coast of Perth, the jacobites committed a violent assault on an unfortunate gauger, and cut off one of his ears, by way, as they said, of "marking him for Hanover." In other parts the preparations for rebellion were carried on in a way which could not long escape detection. Many of the jacobite gentlemen were actively employed in buying up all the serviceable horses, to mount cavalry; while several packages of arms were seized on their way to the highlands. Intelligence from abroad soon confirmed the suspicions of the English government: and it became known, from information which could not be doubted, that the chevalier was making the utmost exertion, with the assistance more or less secret of some of the catholic powers, to fit out an expedition for a new attempt to enforce his claims to the British crown. At length, on the 20th of July, 1715, the king came to the two houses of parliament and told them, "that he had certain advices that the chevalier was making preparations for invading this country, aided by a restless party in his favour at home. In these circumstances, he thought it proper to ask their assistance, and doubted not but they would so far consult their own security, as not to leave the nation, under a rebellion actually begun at home, and threatened with a foreign invasion, in a defenceless condition." Both

houses replied in loyal addresses, assuring him that "they would, with their lives and fortunes, aid his majesty in defence of his person and undoubted right and title to the crown, in defiance of all his open and secret enemies." They urged him to give immediate directions for fitting out such a number of ships as might effectually guard the coasts; and issue commissions for augmenting the land forces.

No time was now lost in making the necessary preparations to avert the danger. Next day, the commons ordered "a bill to empower the king to secure and detain such persons as he might suspect to be conspiring against his person and government, until the 24th of January following;" by which the habeas corpus act, and the Scottish act against wrongous imprisonment, were suspended, as to cases of treason, or suspicion of it, till the 24th of January; horses of five pounds value, or upwards, found in the custody of any person whom any lieutenant, or two or more deputy-lieutenants, or other magistrates, might judge to be dangerous to the peace of the kingdom, were to be seized and detained for six weeks. A bill was also ordered in for encouraging loyalty in Scotland, and summoning all suspected persons to appear at Edinburgh, or where it might be deemed expedient, to find bail for their good behaviour. The same regulations with regard to freeing the loyal vassals of traitors were adopted as on a former occasion.

On the 22nd of July, the British fleet was ordered to rendezvous in the Downs, under the command of sir George Byng, who immediately sent a certain number of ships to cruise to the westward, and others towards the Nore. General Erle, governor of Portsmouth, was ordered to be on the alert, a report having reached the government of a design to surprise that important place; and two battalions were sent to reinforce the garrison till more forces could be sent to secure it. The household troops, consisting of three regiments of foot-guards, one of which was under the command of the duke of Argyle, and four troops of horse-guards, encamped in Hyde-park, where general Cadogan had laid out the ground. The militia of Westminster were also ordered out and reviewed by the earl of Clare, lord-lieutenant of Middlesex. The trained bands were mustered to suppress riots, which were unusually frequent and audacious about this time. Other precau-



tions were taken for the defence of the government; proclamations were issued against papists and non-jurors, and on the 28th of July, a bill was passed "for the further security of his majesty's person and government and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors." It enabled his majesty to grant a commission to administer the oaths of allegiance, supremacy, and abjuration, to all officers, common seamen, and soldiers; and contained a clause for rendering more effectual the provision in an act of the first year of his majesty's reign, for seizing and securing the person of the chevalier. It provided, that "the sum of one hundred thousand pounds should be paid to any person or persons, being natives or foreigners, who shall seize or secure the person of the pretender, alive or dead, whenever he shall land, or attempt to land, in Great Britain or Ireland, or any other of his majesty's dominions." At the same time the king gave notice to the states-general of Holland, to hold themselves ready with their assistance of six thousand men, stipulated by the late treaty of guarantee for preserving the protestant succession, and a squadron of men-of-war, if occasion required.

Nothing, indeed, was omitted to secure the government against any attempt in England, but for some reason or other, Scotland appears to have been unaccountably neglected. The utmost zeal, however, was shown by the presbyterian party. No sooner had intelligence of the danger of invasion reached Edinburgh, than the few regular troops there were encamped in St. Ann's-yard, near Holyrood-house. The lord provost and magistrates ordered the trained bands to arms, and the city guard to be reinforced, and took every other precaution for securing the city from any sudden attempt. They resolved to levy four hundred men, to be maintained by the citizens, and placed under the command of officers appointed by the lord provost and council. In other parts of the kingdom many persons of quality and gentlemen of property formed associations, and sent round a circular letter, urging people to take up arms in defence of the king and country. There were two associations of this kind formed, of which the first subscribed the following declaration:—"We, subscribing, being under a

deep sense of the goodness of Almighty God, in bringing to the peaceable possession of the imperial crown of these realms our only rightful and lawful sovereign, king George, under whose good and wise administration we enjoy the invaluable blessings of having our pure and holy religion and just liberties preserved unto us, and the comfortable prospect of transmitting them to posterity; and considering that the welfare and safety of these nations, and of the reformed religion, both at home and abroad, do, under God, depend upon the preservation of his majesty's royal person and government; and that before and since his majesty's happy accession, there has been, and still is, a restless popish and jacobite faction, who have left no pernicious contrivance unattempted, to impose upon us a popish pretender, tending to the utter subversion and destruction of our laws and liberties, and of everything dear to us as men and christians; and that we have at present certain evidences, that there is on foot a design of an invasion from abroad in favour of the pretender, while his friends and abettors at home are preparing to involve these nations in blood and confusion, and wreathe the yoke of popery and slavery about our necks; and being convinced that it is our duty as good protestant subjects, to contribute our endeavours for preventing these malicious and fatal attempts, we do conform to the laudable practice in former times of imminent danger, hereby mutually promise, and solemnly engage and oblige ourselves to stand by and assist one another, to the utmost of our power, in the support and defence of his majesty king George, our only rightful sovereign, and of the protestant succession now happily established, against all open and secret enemies, for the preservation and security of our holy religion, civil liberties, and most excellent constitution both in church and state. And seeing there are many well-affected persons, who are not able, without being assisted, to concur with us, for securing the public peace at a distance from their houses and employments, in case a foreign invasion or intestine insurrection should be attempted, or made to disturb his majesty's right and possession: therefore, we bind and oblige us, each of us for ourselves, to pay and advance the sums of money annexed to our several subscriptions, for supporting and maintaining of such a number of men, to receive orders from his majesty's com-

mander-in-chief in Scotland for the time, for so many days as the commissioners or managers after-mentioned shall find the money subscribed for, sufficient to maintain: and it is hereby declared, that we have instantly at our subscribing advanced the fourth part of the sum for which we have subscribed, which is deposited in the hands of ———, whom we here nominate to be our treasurer: and it is also hereby provided and declared, that a competent number of managers shall be chosen and elected by us, in manner after-mentioned, for expending of the money according to the intent of these presents, and for giving such necessary directions and orders as shall be proper, from time to time, and that these managers shall forthwith, upon their election, be empowered to employ what part of the money in the hands of the said ———, our treasurer, they shall think fit, for raising and maintaining the said men, and afterwards to order him to lay out and dispose of the remainder, by warrants under their, or the major part of their hands, to him directed, as emergency may require; with full power to them, in case they shall see a necessity for further advances to be made by us, to call for what moieties of the remaining part of our subscription-money they shall think fit, which we hereby oblige ourselves to pay to them, or their order, on demand. And it is further provided and declared by these presents, that such of us as do subscribe for ——— pounds sterling, or above, shall have a vote in the election of the said commissioners or managers, and that such of us as shall be so entitled to vote in the said election, shall determine the number of the said commissioners or managers, and appoint what part of them shall be a quorum, and give them general directions and instructions how to manage in that trust. Provided always, and it is hereby specially provided and declared, that our said treasurer shall, upon his acceptance, grant an obligation to be lodged in the hands of the said commissioners, to account to them for all the money he shall receive by virtue hereof, and to repay the several contributors according to the sums they shall advance, their proportions of what part thereof shall remain undisposed of, as soon as he shall be ordered so to do by the said commissioners. And, lastly, being sensible that it is our duty to be always on guard against the treasonable practices of these his majesty's restless enemies, we do

hereby bind and oblige ourselves, that though God in his mercy should disappoint our fears, yet this association should stand in full force, in case of any attempt which may hereafter be made by the said pretender or his abettors against the person or government of his present majesty, king George, or the protestant succession in his royal family, and to make payment of what part of our subscription-money shall remain unexpended on this occasion, when demanded by the commissioners. In witness whereof, these presents, concerted at Edinburgh, the 1st day of August, 1715, being the first day of the second year of the auspicious reign of our sovereign lord George, of Great Britain, France, and Ireland, are subscribed by," &c.

The other association consisted of those who were willing and able to fight, but, being unable to take the field at their own charge, were to receive pay. They signed an obligation, that upon the first notice of the chevalier's landing in any part of Britain, or upon advice of any insurrection, or appearance of his friends and abettors at home in a hostile manner, for the support and assistance of the chevalier, they would assemble and meet together with their best horses and furniture, whether for foot or horse service, according to their abilities, and to the best of their power to comply with and obey such orders as they should receive from the government, for the supporting of his majesty king George, his person and government, and in defence of their liberties, civil and sacred, against the chevalier and all his abettors. They issued the following circular letter:—

“Edinburgh, 1st August, 1715.

“Sir,—The certainty of a designed invasion, in favour of a popish pretender to the crown, being no longer doubted of, and the danger thereby threatened, as well to his sacred majesty king George, his person and government, as to all his good subjects, in their dearest and most valuable interests, being equally great, it comes to be the immediate duty of all who have any sincere regard to the true protestant religion, and the civil rights and liberties of mankind, to show a zealous concern for the preservation of these invaluable blessings, by exerting themselves to the utmost, in defence of his majesty's just right and title to the crown, and vigorously opposing all attempts that shall be made to disturb his government. For these ends, we, his majesty's faithful



subjects in and about this city, have, under the countenance of those in authority here, cheerfully and unanimously engaged ourselves in a bond of association, to assist and support one another, in manner therein expressed: and being also sensible how proper it is to encourage and stimulate others to so necessary a duty, we have thought fit to send a copy of our foresaid association to you, and many other parishes in Scotland, who, we hope, from the same motives contained in the preamble of our paper, will stir up themselves, in their several stations, to act with such resolution as becomes those who have their all at stake. The prize we contend for is liberty; it is essential to our very happiness. For how can we possibly retain our civil and religious rights, if we tamely submit to the yoke, and part with our liberty? Will not life itself be a burden, if all that is dear to us, either as men or christians, shall thus be lost, past all hopes of recovery? This consideration alone should rouse us from a fatal security, and our anxiety for liberty should daily increase in proportion to our danger, which is visibly hastening upon us, by the secret and open attacks of the restless enemies of our peace and happiness. Is it not then seasonable and honest thoroughly to consider our circumstances, and to let our enemies know that we are on our guard? We do, therefore, persuade ourselves, it will be the business of every honest man to look up with spirit, and do his utmost to maintain and defend our excellent constitution both in church and state, the sum of our present happy condition, which, by the blessing of God, nothing can make desperate but our own sloth and cowardice. Has not our good and gracious God hitherto made signal appearances on our behalf? Have not our eyes seen the salvation he hath wrought for us, time after time? Can we, without horror, remember the unparalleled cruelties we met with, when a popish interest and faction had the ascendant? Can we forget the remarkable deliverance God wrought for us, in breaking the yoke of their arbitrary and tyrannical government, by the great king William, in the late glorious revolution? Can we have forgot the goodness of God, in defeating the last attempt of this nature, in such a manner as left no ground to doubt but that God did then appear on our side? Or shall we ever cease to remember the seasonable and surprising interposition of heaven, in bringing his present

majesty king George to the quiet and peaceable possession of the throne of these realms; and this at a time when our fears were so great, that nothing but a solid persuasion of the Lord God, his concerning himself for his own interest, kept up our spirits, and made us hope for relief? Why should we then despond? the same hand is not now shortened, that it cannot save; the same God we trust in, is both able and willing to rescue us from the imminent dangers that now threaten us, by the insurrection of a jacobite faction, and the invasion of a pretender to the crown, who has been educated in all the maxims of popish bigotry and French tyranny, and now comes against us with an army of Irish cut-throats, assisted (as we have no reason to doubt) by the grand enemy to the reformed interest in Europe, who hath imbrued his hands so much in protestant blood. It is, therefore, earnestly recommended to you, to further so good and necessary a work, as you cannot but be convinced the above-mentioned association must be at this time. Court the present opportunity, get all the honest hands to it you can, and then appoint your place of rendezvous, that you may be in readiness to come together when you hear of a landing. And let us have the satisfaction to know what happy progress you may make from time to time in this affair, addressing your letters to the secretary of our society, who by our order subscribes this to you. In the meantime, let us all be much employed in fervent prayer to God, that the great Jehovah, Lord of heaven and earth, may prosper and succeed all our endeavours for the preservation of our peace, and the security of our holy religion and civil rights, and that this God may bless and preserve his most sacred majesty, king George, in his royal person and government, and his protestant issue, to latest posterity. And to conclude, 'Let us be of good courage, and play the men for our people, and the cities of our God, and the Lord do that which seemeth him good.'

In a few days a considerable sum was subscribed in Edinburgh, Glasgow, and other towns; and all ranks seemed eager to evince their loyalty. This loyal spirit seemed, indeed, to pervade all classes of society in Scotland, and the eagerness to associate spread rapidly through the country; but it was discouraged by the government in consequence of a suggestion which had been made to the king that collecting

money and men in this way for a public purpose might be deemed an invasion of the prerogative of the house of commons, which alone can levy money for the service of the state. When, therefore, the associations addressed his majesty, and offered him their assistance, he expressed his satisfaction at their zealous endeavours to aid the government, but told them that their assistance would not be needed, as he understood that the chevalier had discontinued his preparations for invasion so soon as he had heard of the precautionary measures for preventing it.

The patriotism of the Scots was not checked by this repulse, and they did not desist from their preparations. The "associate volunteers of Edinburgh," amounting to four hundred men, practised daily in military exercises, and subscribed the following bond:—"We, the subscribers, do hereby mutually promise and engage ourselves, to stand by and assist one another, to the utmost of our power, in the support and defence of his majesty, king George, our only rightful sovereign, and of the protestant succession now happily established, against the pretender, and all open and secret enemies; for the preservation and security of our holy religion, civil liberties, and most excellent constitution, both in church and state." The other cities and towns were not less active. At Glasgow, which had always been distinguished for its patriotism, a meeting of the council was held, and they resolved to order out the trained bands, and to double the guards. The alarm was also communicated to Paisley, Greenock, Air, Kilmarnock, Irvine, Kilwinning, Saltcoats, Lanark, Hamilton, Strathaven, Rutherglen, and the villages adjacent, which were speedily put in a posture of defence, as they were exposed to the incursions of the highlanders. The towns of Kilmarnock and Dumfries also showed their zeal in an especial manner. The trained bands in the latter town were ordered out, and strong guards were constantly kept. Seven companies, each of sixty effective men, were raised among the inhabitants, who were commanded by the provost, and were excellently trained. A company of the younger classes was formed from the rest, under the title of the "company of loyal bachelors;" to prevent emulation among which, their officers were taken from the married men. The gentlemen, clergy, and people in Nithsdale and Galloway, were actuated by the same zeal, and

perceiving frequent consultations among the jacobites, and movements among the highlanders, they made every preparation necessary to resist their designs, each parish exercising regularly with arms. Guards were placed on the roads, to examine strangers, search for letters, and cut off the communications of the jacobites. In one instance, Bell, of Minsea, a jacobite gentleman, having insulted the guards at Penpont, and refusing to stand when desired by them, was shot through the leg; which was the first affray, accompanied with the loss of blood, that happened in the cause of the pretender. About the end of July, major James Aikman was sent thither from Edinburgh, accompanied by sir Thomas Kirkpatrick of Closeburn, Mr. Gordon of Earlstoun, and Mr. James Nimmo from Edinburgh, to witness and direct the preparations. They inspected several regiments in Galloway, and such of those in Nithsdale as were properly accoutred, at a review on Marjory Muir; after which, in co-operation with Mr. John Pollock, minister of Glenearne, they convened a meeting at Closeburn, to make the necessary arrangements for the security of the country, and it was there unanimously agreed—"1st. That each parish be modelled into companies, and proper officers chosen for that effect. 2nd. That each parish exercise twice or thrice a-week. 3rd. That upon the first advice of the pretender's landing, each parish should meet separately, in some convenient place, to concert what should be done either with their horse or foot; and it was earnestly desired that they should bring their arms and ammunition with them to that place. 4th. That upon the first notice of the pretender's arrival at Loch-ryon, Kirkcudbright, upon the borders, or in the Firth of Forth, Sanquhar should be the place of rendezvous for the western shires. 5th. That upon the enemy's landing in any of these places, all the horses and cattle should be driven from the coasts into the country; and that a body of horsemen attend, to hinder their plundering the country. 6th. That there be a party of light horse or foot in each parish, to unite with the neighbouring parishes in preventing the junction of the jacobites with the French, to interrupt their communications, and harass their parties; and for this end, all roads leading to the enemy should be blockaded, and persons travelling towards them in arms secured. 7th. That all boats on the western coasts be secured, to



prevent any communication with the French fleet, should they appear. 8th, and last. That our friends in every particular district fall upon ways and means to make these arrangements effectual."

On the 8th of August, the inhabitants of Kelso assembled in their church, and subscribed the following agreement:—"We, subscribers, do, by these presents, bind and oblige ourselves, by the blessing of God, to assist and stand by one another, in defence of our lawful sovereign, king George, the succession of the crown happily established by law, and the protestant religion, in opposition to a popish pretender, and all his abettors." Next day, Mr. Chatto, a magistrate, assisted by the neighbouring gentlemen, Mr. Ramsay the minister, and the principal inhabitants, concerted measures for their mutual defence. Besides those who were already armed, 120 muskets were

given to a select number of the inhabitants, under the command of proper officers, and distributed through the several wards of the town; and such was the zeal of the inhabitants of this place, that a hundred more offered their services than could be supplied with arms. They were reviewed by sir William Bennet of Grubbet, and sir John Pringle of Stichel. Thus, nearly all the towns in Scotland, particularly those which were most exposed to invasion, exerted every nerve to render their religion and liberties secure. Nor were individuals wanting in similar zeal. The earl of Glasgow, whose seat was near the highlands, understanding that certain clans were preparing to welcome and join the chevalier, and perceiving that the number of regular troops in the country was inadequate to the threatened danger, offered to maintain a thousand men upon his own expense.

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#### CHAPTER IV.

##### THE REBELLION OF 1715.

WHATEVER were, meanwhile, the preparations of the jacobites in Scotland, they seem not to have acted in concert, and to have been divided into two parties who were suspicious of each other. The first step towards uniting them was made by the earl of Mar, who, when he found all his advancees at court treated with neglect, determined to revenge himself on his political opponents, the whigs, by entering into a close alliance with the pretender. He had received money from abroad, it was said as much as a hundred thousand pounds sterling, with letters and instructions in the chevalier's own hand, and he pretended to have a commission appointing him lieutenant-general and commander-in-chief of his forces in Scotland, although it is believed that the commission did not really arrive till after he had raised the banner of the Stuarts. To prevent detection, Mar embarked, on the 1st of August, in disguise, with major-general Hamilton, colonel Hay, and two servants, on board a collier bound from the Thames to Newcastle, where he arrived on the 4th. A vessel was there hired of a man

named Spence, which set them ashore at Ely, on the coast of Fife, whence they proceeded to Crail. Mar, on his arrival here, was joined by sir Alexander Erskine (lord lyon), and others of his friends, and they went forward to Kinnoul, in Perthshire, where they spent Wednesday, the 17th, and on the 18th, Mar passed the river Tay, about two miles below Perth, with forty horse, on his way to the north. Next day, he sent letters to all the jacobites round the country, inviting them to meet him at Brae-Mar, in Aberdeenshire, where he arrived on Saturday, the 20th of August.

A proof that Mar's measures were in some degree preconceived, is found in the circumstance that on Saturday, the 6th of August, the jacobites of his party at Edinburgh were apprised of his movements. Even there, however, it was kept secret among the jacobites themselves, and only a few of the more trustworthy of their own party were made acquainted with it; but early on the morning of the 7th, captain John Dalzell, a half-pay officer, who had resigned his commission to the earl of Orkney, in order to

enter the service of the pretender, was sent out to give the alarm to his brother, the earl of Carnwath, then at Elliock; whence information was communicated to the earl of Nisdale, lord Kenmure, and other friends in these parts; the earl went immediately and convened his friends, who repaired to Lothian, giving out that they were going to hunt in the north. Under this plausible pretext, Mar assembled the chiefs of his party at Brae-Mar, on the 26th of August, where a number of noblemen and gentlemen assembled, among whom were the marquis of Huntley, eldest son to the duke of Gordon; the marquis of Tullibardine, eldest son to the duke of Athol; the earls of Nithsdale, Mareschal, Traquair, Errol, Southesk, Carnwath, Seaforth, and Linlithgow; viscounts Kilsyth, Kenmure, Kingston, and Stormount; the lords Rollo, Duffus, Drummond, Strathallan, Ogilvy, and Nairn; with many chiefs of clans, among whom were the two generals, Hamilton and Gordon, with the lairds of Glenderule, Auldbair, Auchterhouse, and Glengarry. After the hunting, the whole party were feasted, and in the sequel the earl of Mar addressed them in a speech full of invectives against the existing government. He said that, though he had been instrumental in accomplishing the union of the two kingdoms in the late reign, yet now his eyes were opened, and he saw his error, and would use every exertion to make the Scots again a free people; that they should, in the event of success, enjoy their ancient privileges, which were, by the cursed union, surrendered to the English, whose power to enslave them was very great, while their design to do so becoming daily more visible, in the measures pursued by the government; that the prince of Hanover, since he ascended the throne, had disregarded the welfare of his subjects and their religious interests, by making considerable encroachments on their liberties in church and state; and that the conduct of those at present entrusted with the administration of affairs, had aroused many to determine vigorously to defend their liberties and properties against the innovations of the courtiers, and to establish upon the throne of these realms the chevalier, who, he said, had the only undoubted right to the crown, had promised to hear their grievances, and would redress their wrongs. He then excited them to take arms for the chevalier, whom he spoke of as king James VIII., and told them that he

was resolved to unfurl his standard, and summon all the fencible men of his own tenants, as he was determined to hazard his life in the cause. He encouraged them by the assurance that there would be a general insurrection throughout England in his favour; and that their "king" had already received large supplies, and promises of further assistance, from France, and several continental states, who had stipulated, by treaty, to assist in deposing king George, and establishing the chevalier. He then produced letters written by the chevalier himself, from Lorraine, in which he promised to come over, and trust himself to the valour and fidelity of his Scottish subjects, and assured them that ships, containing arms, ammunition, and military stores, with officers, engineers, and volunteers, would be sent as soon as he was informed what port would be most convenient for their reception. He, at the same time, produced a commission, appointing him lieutenant-general, commander-in-chief, and secretary at war, and concluded by stating that as he would be amply provided with money to maintain an army, neither the noblemen who might join this cause, nor the country, would sustain any part of the expense. With these and similar arguments, which he delivered in a very animated manner, Mar prevailed upon his auditors to embrace his project, and they are said to have on the spot engaged by oath to remain true to each other, and to bring over their friends and dependents to the design. After the meeting, they dispersed, each to his own estate, to make arrangements for appearing in arms, so soon as they should receive the signal from the earl of Mar, who remained on his own estate with only a few attendants.

The confederates were not allowed to wait long for this signal, for within a few days Mar summoned a general meeting at Aboyne, in Aberdeenshire, which was held on the 3rd of September, when he directed them to concentrate their forces without delay, and returning to Brae-Mar, he collected his own dependents, chiefly horse, and erected the standard of the Stuarts, at Castleton, on the 6th of September. This standard, supposed to have been made by the countess of Mar, was blue, having on the one side the Scottish arms wrought in gold, and on the other, the Scottish thistle, with the words "No union" beneath, and above, the ancient motto, "*Nemo me impune lacessit*." It had pendants of white ribbon,



one of which had the inscription, "For our wronged king and oppressed country;" and the other, "For our lives and liberties." It is said that, when the standard was first erected, the ball on the top fell off, which was regarded by the superstitious highlanders as ominous of misfortune to their cause. They went first to a small town named Kirkmichael, where they proclaimed the chevalier, and invited the people to join his standard. They next entered Moulin, another small town in Perthshire, where the highlanders began to come in. The pretender was at the same time proclaimed at Aberdeen by the earl Mareschal; at Dunkeld, by the marquis of Tullibardine; at Perth, by colonels Balfour and Hay, who had seized that place; at Castle Gordon, by the marquis of Huntley; at Breehin, by the earl of Panmure; at Montrose, by the earl of Southesk; at Dundee, by Graham of Duntroon, afterwards created viscount Dundee; and at Inverness, by brigadier-general Mackintosh, at the head of six hundred men, who, having found that important pass without a garrison, took possession of it, and, leaving sir John M'Kenzie of Coul governor, returned to the army.

While thus employed, the leaders of the insurrection received intelligence of an event far more discouraging than the accident which had happened to their banner—the death of Louis XIV., which produced so great a consternation, that a council was immediately held, at which it was debated whether it would not be prudent, under the circumstances, to abandon the enterprise. Some, indeed, convinced that all hope of assistance from France was now at an end, would have retired at once to their homes, but in the end the majority, depending on a general insurrection in England, determined to proceed, and messengers were sent to the pretender to press his departure for Scotland without delay. The earl of Mar now assumed the title of lieutenant-general of his majesty's forces, and published the following declaration, which he sent, with a letter, to the baillie of Kildrumny:—

"Our rightful and hereditary king, James VIII., by the grace of God, who is now coming to relieve us from our oppressions, having been pleased to entrust us with the direction of his affairs, and the command of his forces in this his ancient kingdom of Scotland; and some of his faithful subjects and servants, met at Aboyne, viz., the lord Huntley, the lord Tullibardine, the

earl Mareschal, the earl of Southesk, Glegarry from the clans, Glenderule from the earl of Breadalbane, and gentlemen of Argyllshire, Mr. Patrick Lyon of Auchterhouse, the laird of Auldbair, lieutenant-general George Hamilton, major-general Gordon, and myself, having taken into consideration his majesty's last and late orders to us, find, that as this is now the time he ordered us to appear openly in arms for him, so it seems to us absolutely necessary for his majesty's service, and the relieving of our native country from all its hardships, that all his faithful and loving subjects, and lovers of their country, should, with all possible speed, put themselves into arms. These are, therefore, in his majesty's name and authority, and by virtue of the power aforesaid, and by the king's special order to me thereunto, to require and empower you, forthwith, to raise your fencible men with their best arms; and you are immediately to march them to join me and some other of the king's forces at the Inver of Braemar, on Monday next, in order to proceed in our march to attend the king's standard with his other forces. The king, intending that his forces shall be paid from the time of their first setting out, he expects, as he positively orders, that they behave themselves civilly, and commit no plundering, or other disorders, upon the highest penalties and his displeasure, which, it is expected, you'll see observed. Now is the time for all good men to show their zeal for his majesty's service, whose cause is so deeply concerned, and the relief of our native country from oppression, and a foreign yoke too heavy for us and our posterity to bear; and to endeavour the restoring not only of our rightful and native king, but also our country to its ancient, free, and independent constitution, under him whose ancestors have reigned over us for so many generations. In so honourable, good, and just a cause, we cannot doubt of the assistance, direction, and blessing of Almighty God, who has so often rescued the royal family of Stuart and our country from sinking under oppression. Your punctual observance of these orders is expected; for the doing all which, this shall be to you, and all you employ in the execution of them, a sufficient warrant. Given at Braemar, 9th September, 1715.—MAR."

The letter which accompanied this proclamation is a characteristic picture of the feudal system as it still existed in the high-

lands. It appears that Mar's own vassals had not shown the zeal he expected :—

"Invercauld, Sept. 9th, at night, 1715.

"Joek,—Ye was in the right not to come with the hundred men ye sent up to-night, when I expected four times the number. It is a pretty thing when all the highlands of Scotland are now rising upon their king and country's account, as I have accounts from them since they were with me, and the gentlemen of our neighbouring lowlands expecting us down to join them, that my men should be found refractory. Is not this the thing we are now about which they have been wishing these twenty years? And now when it is come, and the king and country's cause is at stake, will they for ever sit still and see all perish? I have used gentle means too long, and so I shall be obliged to put other orders I have in execution. I have sent you, enclosed, an order for the lordship of Kildrummy, which you are immediately to intimate to all my vassals. If they give ready obedience, it will make some amends; and if not, ye may tell them from me, that it will not be in my power to save them (were I willing) from being treated as enemies by those who are ready soon to join me; and they may depend on it that I will be the first to propose and order their being so. Particularly, let my own tenants in Kildrummy know, that if they come not forth with their best arms, that I will send a party immediately to burn what they shall miss taking from them: and they may believe this not only a threat, but, by all that's sacred, I'll put it into execution, let my loss be what it will, that it may be an example to others. You are to tell the gentlemen that I'll expect them in their best accoutrements, on horseback; and no excuse to be accepted of. Go about this with all diligence, and come yourself and let me know your having done so. As this is not only as ye will be answerable to me, but to your king and country.—Your assured friend and servant.—To John Forbes, Invererau, baillie of Kildrummy."

It appears that, with this proclamation, Mar had recourse to the old ceremony of sending round the fiery cross to summon the subjects to arms. The consequence was that his forces increased as he marched from Kirkmichael to Moulin, and thence to Dunkeld, where he now fixed his headquarters. From thence the earl and the other chiefs published the following manifesto, which they had procured to be printed

by Mr. Robert Freebairn, one of the king's printers in Edinburgh :—

"*Manifesto by the noblemen, gentlemen, and others, who dutifully appear at this time in asserting the undoubted right of their lawful sovereign, James VIII. by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c., and for relieving this his ancient kingdom from the oppressions and grievances it lies under.*—His majesty's right of blood to the crowns of these realms is undoubted, and has never been disputed or arraigned by the least circumstance, or lawful authority. By the laws of God, by the ancient constitutions, and by the positive unredeemed laws of the land, we are bound to pay his majesty the duty of loyal subjects: nothing can absolve us from this our duty of subjection and obedience. The laws of God require our allegiance to our rightful king. The laws of the land secure our religion and other interests: and his majesty, giving up himself to the support of his protestant subjects, puts the means of securing to us our concerns, religious and civil, in our own hands. Our fundamental constitution has been entirely altered, and sunk amidst the various shocks of unstable faction, while, in searching out new expedients pretended for our security, it has produced nothing but daily disappointments, and has brought us and our posterity under a precarious dependence upon foreign councils and interests, and the power of foreign troops. The late unhappy union, which was brought about by the mistaken notions of some, and the ruinous and selfish designs of others, has proved so far from lessening and healing the differences betwixt his majesty's subjects of Scotland and England, that it has widened and increased them: and it appears by experience so inconsistent with the rights, privileges, and interests of us, and our good neighbours and fellow-subjects of England, that the continuance of it must inevitably ruin us and hurt them. Nor can any way be found out to relieve us and restore our ancient and independent constitution, but by the restoring our rightful and natural king, who has the only undoubted right to reign over us: neither can we hope that the parties who chiefly contributed to bring us into bondage, will at any time endeavour to work our relief, since it is known how strenuously they opposed, in two late instances, the efforts of all Scotsmen by themselves, and supported by the best and wisest



of the English, towards so desirable an end, as they will not adventure openly to disown the dissolution of the union to be. Our substance has been wasted in the late ruinous wars, and we see an unavoidable prospect of having wars continued on us and our posterity, so long as the possession of the crown is not in the right line. The hereditary rights of the subjects, though confirmed by conventions and parliaments, are now treated as of no value or force; and past services to the crown and royal family are now looked upon as grounds of suspicion. A packed-up assembly, who call themselves a British parliament, have, so far as in them lay, inhumanly murdered their own and our sovereign, by offering a great sum of money as the reward of so execrable a crime. They have proscribed, by unaccountable and groundless impeachments and attainders, the worthy patriots of England, for their honourable and successful endeavours to restore trade, plenty, and peace to these nations. They have broken in upon the sacred laws of both countries, by which the liberties of our persons were secured; they have empowered a foreign prince (who, notwithstanding his expectations of the crown for fifteen years, is still unacquainted with our customs, manners, and language) to make an absolute conquest (if not timely prevented) of the three kingdoms, by investing himself with an unlimited power not only of raising unnecessary forces at home, but also of calling on foreign troops, ready to promote his uncontrollable designs. Nor can we be ever hopeful of its being otherwise in the way it is at present for some generations to come. And the said consequences of these unexampled proceedings have really been so fatal to great numbers of our kinsmen, friends, and fellow-subjects of both kingdoms, that they have been constrained to abandon their country, houses, wives, and children, or give themselves up prisoners, and perhaps victims, to be sacrificed at the pleasure of foreigners, and a few hot-headed men of a restless faction whom they employ. Our troops abroad, notwithstanding their long and good services, have been treated, since the peace, with neglect and contempt, and particularly in Holland; and it is not now the officer's long service, merit, and blood they have lost, but money and favour by which they can obtain justice in their preferments: so that it is evident, the safety of his majesty's person, and independency of his king-

doms, call loudly for immediate relief and defence. The consideration of these unhappy circumstances, with the due regard we have to common justice, the peace and quiet of us and our posterity, and our duty to his majesty and his commands, are the powerful motives which have engaged us in our present undertaking, which we are firmly and heartily resolved to push to the utmost, and stand by one another to the last extremity, as the only solid and effectual means of putting an end to so dreadful a prospect, as, by our present situation, we have before us; and with faithful hearts, true to our only rightful king, our country, and our neighbours, we earnestly beseech and expect (as his majesty's command) the assistance of all our true fellow-subjects to second this our first attempt; declaring hereby this our sincere intentions, that we will promote and concur in all lawful means for settling a lasting peace to these lands, under the auspicious government of our native-born, rightful sovereign, the direction of our own domestic counsels, and the protection of our native forces and troops. That we will, in the same manner, concur and endeavour to have our laws, liberties, and properties secured by the parliaments of both kingdoms. That, by the wisdom of such parliaments, we will endeavour to have such laws enacted, as shall give absolute security to us and future ages, for the protestant religion, against all efforts of arbitrary power, popery, and all its other enemies. Nor have we any reason to be distrustful of the goodness of God, the truth and purity of our holy religion, or the known excellency of his majesty's judgment, as not to hope that, in due time, good example, and conversation with our learned divines, will remove those prejudices which we know his education in a popish country has not rivetted in his royal discerning mind; and we are sure, as justice is a virtue in all religions and professions, so the doing of it to him will not lessen his good opinion of ours. That as the king is willing to give his royal indemnity for all that is past, so he will cheerfully concur in passing general acts of oblivion, that our fellow-subjects, who have been misled, may have a fair opportunity of living with us in the same friendly manner that we design to live with them.

"That we will use our best endeavours for redressing the bad usage of our troops abroad, and bringing the troops at home on

the same foot and establishment of pay as those of England. That we will sincerely and heartily go into such measures as shall maintain effectually, and establish a right, firm, and lasting union betwixt his majesty's ancient kingdom of Scotland and our good neighbours and fellow-subjects of England. The peace of these nations being thus settled, and we freed from foreign dangers, we will use our endeavours to have the army reduced to the usual number of guards and garrisons; and will concur in such laws and methods as shall relieve us of the heavy taxes and debts now lying upon us, and, at the same time, will support the public credit in all its parts. And we hereby faithfully promise and engage, that every officer who joins with us in our king and country's cause, shall not only enjoy the same post he now does, but shall be advanced and preferred according to his rank and station, and the number of men he brings off with him to us; and such foot soldier so joining us shall have twenty shillings sterling; and each trooper or dragoon who brings horse and accoutrements along with him, twelve pounds sterling gratuity, besides their pay. And, in general, we shall concur with all our fellow-subjects in such measures as shall make us flourish at home, and be formidable abroad, under our rightful sovereign, and the peaceable harmony of our ancient fundamental constitution, undisturbed by a pretender's interests and councils from abroad, or a restless faction at home. In so honourable, so good, so just a cause, we do not doubt of the assistance, direction, and blessing of Almighty God, who has so often succoured the royal family of Stuarts, and our country from sinking under oppression."

At the conclusion of the reading of this manifesto, the people present shouted, "No union! no malt, nor salt tax!" After which the highlanders returned to their quarters.

About this time the insurgents experienced a disappointment in the failure of a well-laid plot, under the direction of lord Drummond, to surprise the castle of Edinburgh on the 8th of September, 1715, between the hours of eleven and twelve at night, by mounting the walls on the west side with rope ladders, some of the garrison having betrayed their trust by admitting the conspirators. A sentinel, then on duty, actually let down a rope and pulled up the ladder upon which some of the party were

mounted. About eighty men, besides officers, are said to have been drawn into this enterprise, each of whom was to receive one hundred pounds sterling and a commission in the army. On the capture of the castle, lord Drummond was to be made governor, as the contriver of the plot, and upon its success, the conspirators were to fire three rounds of artillery, and this, by the communication of beacon fires, was to be a signal to the earl of Mar to march direct to Edinburgh with his forces. But one of the conspirators, a Mr. Arthur, formerly an ensign in the castle, had communicated the matter to his brother, Dr. Arthur, a physician in Edinburgh, who appearing very melancholy on the day before the attempt was made, his lady importuned him until she obtained the secret, and, that evening, she sent a servant with an anonymous letter to Cockburn of Ormistoun, the lord justice-clerk. He at once sent an express to lieutenant-colonel Stewart, deputy-governor of the castle, who immediately ordered the gates to be shut and the guards doubled. Still he showed sufficient negligence to draw suspicion upon himself, for he was subsequently deprived of his office, and committed prisoner to the tolbooth of Edinburgh. The loyal part of the garrison were now, however, on the alert, and as lieutenant Lindsay, with his party, was going the round near the sally port, he observed the ladder already fixed, and some of the conspirators in the act of mounting it. Two of the traitors, Thomson and Holland, were waiting to assist them, but when they were aware of the approach of Lindsay's party, they threw over the ropes precipitately, and the ladder, with all who were on it, fell to the ground. A party of the town guard, which, at the desire of the lord justice-clerk, had been sent with major James Aikman to patrol round the castle, came to the spot when they heard the alarm, and found one captain M'Clean, formerly an officer under king James, lying upon the ground, with his thigh bone broken by the fall. They secured him, with three others, Alexander Ramsay, and George Boswell, both writers in Edinburgh, and one Leslie, formerly a page to the duchess of Gordon. They also found the ladder, with a dozen of carabines, which the conspirators had thrown away in their flight. A sergeant named Ainsley, who was the principal traitor, was hanged.

The intelligence of the failure of the design against Edinburgh castle prevented



the insurgents from marching towards the south, but their number had been greatly increased since they came to Dunkeld, where they were joined by the marquis of Tullibardine at the head of two thousand men, by the duke of Athol with fourteen hundred, by fifteen hundred of the vassals of the earl of Breadalbane commanded by the Campbells of Glenderule and Glenlyon, and other chiefs. With these reinforcements, Mar's army now counted above twelve thousand men, and he was in a condition to act with vigour and promptitude. He had received intelligence that the royal army was encamped at Stirling, and that the earl of Rothes, with the loyal gentry of Fife, were advancing to secure the town of Perth, which commanded the passage over the Tay, for the government. Mar determined to anticipate this latter movement, and to secure Perth for king James. He accordingly dispatched a brother of the earl of Kinnoul, colonel John Hay, with two hundred horse, to occupy the town. Treachery was at work even here, for a few days before, the duke of Athol had sent a hundred and fifty of his men into Perth under pretence of assisting the inhabitants in holding the town for king George; but when, on the 18th of September, colonel Hay and his cavalry made their appearance, and the provost and troops of the town prepared to resist, Athol's men deserted to the rebels, and rendered resistance vain. The place was secured by the arrival immediately afterwards of two thousand men under general Hamilton, and on the 28th the earl of Mar proceeded thither in person with three thousand more.

The seizure of Perth gave a great advantage to the rebels, who thus not only secured the country behind them, but made themselves masters of the lowlands to the north of the Tay, including the rich provinces of Angus, the carse of Gowrie, Mearns, Murray, Aberdeen, and Banff, and in fact the whole eastern coast of Scotland, from Burnt-island to the Murray firth, was in their possession. All communication between the king's forces in the north and south was cut off; the ordinary posts were stopped; the public revenue was seized by the earl of Mar, who gave receipts for it in the name of king James VIII.; and the gentry were assessed and compelled to pay contributions, under the threat of military execution. The same day on which the earl of Mar entered Perth, James Murray, second son of the

viscount Stormont, arrived secretly in Edinburgh, on his way from the pretender's court. He brought with him letters from prince Charles, with patents appointing himself secretary of state for the affairs of Scotland, and conferring on Mar a dukedom, with the titles of duke of Mar, marquis of Stirling, and earl of Alloa. He also brought assurances of speedy and powerful assistance from France.

The rebels might be considered at this moment at the summit of their fortune. Their success had arisen in a great measure from the unaccountable negligence of the government, which, while it discouraged the armed associations, had sent no sufficient troops for the defence of the country. In fact, but for the hearty zeal of the presbyterian population of the west and south, the jacobites would have met with little obstacle to their making themselves masters of the whole of Scotland. The lead in opposing them was taken by Glasgow and Ayrshire, where the nobility and gentry entered early into patriotic associations, and assembled in arms their friends and followers. At a rendezvous on the common of Irvine, on the 22nd of August, no less than six thousand men from the country round are said to have assembled, under the earls of Eglinton, Glasgow, and Kilmarnock, and other landlords; and the fine appearance of the five hundred men brought thither by the earl of Kilmarnock was particularly remarked, as well as the gallant bearing of his young son lord Boyd, who, though but a boy of eleven years of age, appeared mounted and in arms by his father's side. A review of the tenants of the duke of Douglas, the duchess of Hamilton, and others, from Clydesdale, took place on the moor of Lanark on the 8th of September, and other similar meetings were held in different parts about the same time. Still the regular troops in Scotland were so few, that it was not till some of the Scottish regiments were recalled from Ireland towards the end of August, that they could take the necessary step of forming a camp at Stirling to secure the important pass which, if in the possession of the rebels, would have laid the southern districts open to them and have placed the capital at their mercy.

Measures had been already taken to place under arrest such persons as were strongly suspected of disaffection but had not yet joined the rebellion, and among the persons who were in consequence committed to cus-

tody in the castle of Edinburgh, were Lockhart of Carnwath, the earls of Hume, Wigton, and Kinnoul, lord Dirkford (the eldest son of the earl of Seafeld), and lord Findlater. On the 30th of August, the act of parliament for encouraging loyalty in parliament, by which tenants of jacobites were absolved from allegiance to their lords, was published, and immediately afterwards, summonses were issued to all the heads of jacobite clans and others suspected, as well as to those who were in arms, ordering them to appear in Edinburgh before a certain day to give bail for their good behaviour, and all who did not make their appearance at the time appointed, were proclaimed rebels. The greater part of them, however, were now in the rebels' camp, and encouraged by the slowness with which the government made their preparations, they looked forward with confidence to the assistance they expected from France, and to the effect to be produced by an insurrection which had been planned to take place at the same time in England.

The government, aware that there was a plot against the Hanoverian dynasty in England, were acting with a severity against persons suspected, which appears to have been partly the cause of a premature rising in the north. About the end of September, lord Derwentwater, informed that a warrant had been issued by the secretary of state for his apprehension, as well as for that of lord Widdrington, Mr. Forster, and other leading jacobites in the north, and that the messengers charged with its execution had reached Durham, immediately took refuge in the house of a friend who was a justice of the peace, and went thence to the house of one Richard Lambert, as being better calculated for concealment. Mr. Forster at the same time concealed himself in the house of Mr. Fenwick of Bywel, a well-known jacobite. A meeting of the jacobites of Northumberland was immediately convened in Fenwick's house, to consider what was best to be done, and they boldly resolved to take arms, and openly avow their sentiments. They accordingly agreed to assemble next morning, the 6th of October, at a place called Green Rig. There Mr. Forster and about twenty gentlemen met, and judging it not sufficiently secure, they proceeded thence to the summit of an adjoining hill, called Waterfalls, which commanded an extensive prospect of the country round. They were here joined by the earl

of Derwentwater, who came with a few friends, and all his servants, mounted upon excellent horses, and well armed, and in number about sixty. After deliberating some time, the whole party marched to a place called Plainfield, where they were joined by others. They proceeded thence to Rothbury, a small market-town, where they lay that night. Next morning, their number still increasing, they marched to Warkworth, where they were joined on the 8th by lord Widdrington with thirty horsemen. Upon Sunday morning, the 9th of October, Mr. Forster, now dignified with the title of general, sent Mr. Buxton, their chaplain, to Mr. Jon, the incumbent of the parish, with orders to pray for the prince, as king, and, in the Litany, for Mary, queen-mother, and all the dutiful branches of the royal family, and to omit the names of king George, and the prince and princess; but Jon made his escape to Newcastle, and Mr. Buxton took possession of his pulpit, and said prayers and preached. On Monday, they were joined by about forty horse from Scotland; and then Forster proceeded openly to proclaim the chevalier king of Great Britain, with sound of trumpet, and all formalities which the circumstances of their situation would allow. On Thursday, the 14th, they marched to Alnwick, where they were joined by more of their friends. On their march thence, they were joined by seventy gentlemen and horses from the borders, so that when they reached Morpeth, they were three hundred strong; all cavalry, for they would receive no foot, having no arms to equip them. Meanwhile the small castle of Holy Island had been surprised, and Forster anticipated the capture of Newcastle; but finding himself disappointed in this design, and the castle having been retaken by the king's troops, he returned westward, and entering Hexham, seized there all the horses, arms, &c., which he could find, and wrote to the earl of Mar for assistance.

Meanwhile the jacobites had not been inactive in the south of Scotland, where lord Kenmure, having received a commission to that effect from the earl of Mar, had raised men for the pretender, and made an attempt to surprise Dumfries. When, however, he and the earl of Carnwath approached that town on the morning of the 12th of October, they found that the inhabitants were so well prepared to receive them, that they gave up the



design and retired to Lochmaben, whence on the Friday following they marched to Ecclefechan, and from thence next day to Langholme, their number at that time being but a hundred and eighty. On the 16th they proceeded to Hawick, where they proclaimed the pretender.

When the earl of Mar received the message of the Northumbrian insurgents, he immediately sent six regiments to the coast of Fife, with orders to cross the Firth of Forth, and land in Lothian. They were escorted by a party of horse, commanded by sir John Erskine of Alva, who made several counter-marches to amuse the ships in the roads; and further, to prevent suspicion, Mar caused another body to march to Burntisland, where he assembled a fleet of transports, under the pretence of embarking. The admiral on the Leith station, informed of this movement, ordered the ships to man their boats, slip their cables, and set in for the town. The highlanders, pretending to be much afraid, re-landed, and, having raised a battery, planting some cannon on the extremity of the harbour, exchanged shots with the ships, though without any damage on either side. While some of them thus amused the ships, as if they would cross above Leith, their main body, consisting of two thousand five hundred men, commanded by brigadier Mackintosh of Borlam, came down to the shore during the night, embarked in open boats, and most of them reached in safety the southern shore. The rest of this detachment, about one thousand six hundred strong, landed by night at North Berwick, Aberlady, Gallon, and other places, and took up their quarters next night at Haddington. Next morning they prepared to march towards the borders, but suddenly changed their resolution and proceeded towards Edinburgh. The provost, in no little alarm, made the best arrangement he could for the defence of the city, and sent an express to the duke of Argyle for assistance. Argyle immediately dispatched two hundred foot (mounted on country horses), with three hundred cavalry, who arrived at the west port that night about ten o'clock. Brigadier Mackintosh meanwhile advanced as far as Jock's Lodge; but none coming from the city to join him, and informed that the duke of Argyle was approaching, he called a council, and it was resolved to go to Leith, which they entered without any resistance. After making themselves masters

of the guard, they opened the doors of the tolbooth, and rescued those that were taken when attempting to cross the Forth. Then entering the custom-house, they seized a considerable quantity of provisions and brandy, after which they took possession of the citadel, the ruins of an old fort raised in Cromwell's time, to guard the port of Leith. They also went on board the ships in the harbour, and seized several pieces of ordnance, with powder and ball; and they planted some cannon at all the ports and upon the ramparts, and barricaded the most accessible places with beams, carts filled with stones, earth, and other materials. On Saturday, the 15th, the duke of Argyle, with his three hundred cavalry, two hundred infantry, and about six hundred militia, marched towards the citadel, and, having posted the dragoons upon the north-east side, and the foot upon the south-east, proceeded to reconnoitre; but finding that the rebels could not be attacked without artillery, and having summoned them in vain to surrender, he returned to Edinburgh to prepare more effectual means for forcing their intrenchments. Mackintosh, seeing no appearance of aid from their friends in Edinburgh, and being informed of Argyle's intention to attack them with artillery that night, abandoned the place about nine o'clock, taking advantage of the ebb tide, and marched off by the head of the pier on the sands, eastward to Seaton-house, a residence of the earl of Wintoun, leaving behind about forty men who had made too free with the brandy they found in the custom-house, and some baggage and ammunition. Argyle now sent an express to Stirling for four gunners, two bombardiers, two pieces of cannon, and two mortars, in order to dislodge them; but Mar, informed of the danger of his friends, made a feint in order to withdraw the duke, giving out that he would pass the Forth at Stirling, or the bridge of Doune, and he began his march that same night. Lieutenant-general Whitham, who commanded in the duke's absence, having notice of this, sent three expresses to Edinburgh, notifying that the rebels, to the amount of ten thousand, were in full march from Perth to Stirling. According to the last of these expresses, their vanguard, and four thousand of their best men, were to be at Dumblane that night with Mar himself; and six thousand at Auchterarder. Argyle, deceived and alarmed by this intelligence, left a hundred cavalry

and a hundred and fifty infantry, under colonel Kerr and major-general Wightman, with the militia and volunteers, to protect the city of Edinburgh and carry on the siege of Seaton-house, and hastened back to Stirling with the rest.

Mackintosh had thus time to fortify Seaton-house, and he intrenched the avenues and fortified the gates, so that when lord Torpichean, with two hundred cavalry, and the earl of Rothes, with three hundred volunteers, marched from Edinburgh to attack him, they found the place so strongly fortified that they returned that night, after having exchanged some shots without damage on either side. On the 18th, Mackintosh received orders from the earl of Mar to march towards England, and, at the same time, an express came from Forster and the English insurgents, begging him to join them at Coldstream or Kelso. On Wednesday, the 19th, Mackintosh's highlanders arrived at Longformacus. Next day they reached Dunse, where he proclaimed the pretender; and, after collecting the money, set off for Kelso on Saturday, the 22nd. The English insurgents had hardly entered Hexham, on the 19th, when they received information that they were closely pursued by the king's troops under general Carpenter, upon which, leaving that town precipitately, Forster made a forced march the same night to Rothbury, where he effected a junction with lord Kenmure. Both marched next day to Wooler, where they rested during Friday, and, having received intelligence of the advance of the highlanders under Mackintosh, they set out on Saturday for Kelso, and having crossed the Tweed with some difficulty, as it was then flooded, they entered the town about one o'clock, soon after which the sound of the highland bagpipes announced the approach of the old brigadier and his troops. On Monday morning, the highlanders were drawn up in the churchyard, and marched thence to the market-place, where, with sound of trumpet, the pretender was proclaimed by Seaton of Barnes, who assumed the title of earl of Dunfermline. The earl of Mar's manifesto was then read, and they returned to their quarters, where they remained quiet till the 27th, on which day general Carpenter arrived at Wooler. Hearing of his approach, lord Kenmure called a council of war, at which the Northumberland gentlemen urged him to march into England. The earl of Wintoun, brigadier Mackintosh,

and others of the Scots, proposed to return to Scotland to join the western clans, attacking in their way Dumfries, Glasgow, and other places, and open a communication with the earl of Mar. [The English opposed this; and it was next proposed to pass the Tweed and attack general Carpenter's troops, who were hardly a thousand men, and great part of them raw recruits. Unable, however, to come to any agreement, the rebel chiefs decamped from Kelso and proceeded to Jedburgh, where it was resolved to cross the mountains and enter England, and to give the slip to Carpenter. But the highlanders resisted, and began to mutiny, and no argument could prevail upon them to cross the borders. Their first resolution was then altered; and, on the 29th, the whole body marched for Hawick.]

The highlanders, still supposing that the march for England was intended, separated themselves, and went to the top of a rising ground on Hawick muir, where they rested their arms, and declared their willingness to fight if brought to the enemy, but refused, upon any account, to go into England, adhering to the earl of Wintoun's plan, to go through the west of Scotland, join the clans there, and either cross the Forth above Stirling, or communicate with the earl of Mar, and fall upon Argyle's rear, while he attacked him in front. On this dispute, the horse surrounded the foot in order to compel them to march south, upon which the highlanders cocked their firelocks, and said, "if they were to be made a sacrifice, they would choose to have it done in their own country." After a consultation of two hours, the highlanders at last agreed to keep by the others while they remained in Scotland; but declared that upon the first motion of going to England, they would return. They all then continued their march to Hawick.

The magistrates of Dumfries, hearing of the junction of the rebels at Kelso, became again alarmed for the safety of their town, and adopted the best measures of defence in their power. On Sunday, the 30th of October, the highlanders marched from Hawick to Langholme, and at the same time general Carpenter entered Jedburgh. The former sent off from Langholme a detachment of four hundred cavalry, commanded by the earl of Carnwath, to surround Dumfries; where the signal of danger was given by beating of drums and ringing of bells. A curious instance occurred here



of the divisions which then reigned among the presbyterians. Mr. Hepburn, with three hundred and twenty dissenters, being then at Kirkmahoe, three miles from Dumfries, baillie Gilchrist and the laird of Bargalie were sent to desire them to come in to the assistance of the town. Mr. Hepburn and his followers accordingly crossing the river came to Corbilly-hill, where they halted, and in answer to the expostulations of the provost, Mr. Hepburn put an unsigned paper into his hand, asserting that "they had not freedom in their consciences to fight in defence of the constitution of church and state as established since the sinful union," and containing the terms upon which they would agree to what was proposed; on which the provost returned to the town, leaving them where they were, and where they continued until the danger was over.

Two hundred men, with three pieces of cannon, were placed in the centre of the town; the ministers, with their people and surgeons at the posts assigned them, waiting the approach of the enemy. At four o'clock in the morning, the officers and other gentlemen (the night having been wet) inspected the arms to see that they were dry. An express arrived at five, P.M., from Roucand, announcing that the rebels were advanced to Torthorwald, and by that time would be within three miles of the town, which, however, proved a false alarm. In fact, at the last moment, the rebel force had been turned from the enterprise against Dumfries by the expostulations of the English gentlemen, who pretended they had letters from Lancashire assuring them that upon their arrival a general insurrection would take place, and that they would be joined by twenty thousand men. The Scots were persuaded by these representations, and orders having been sent after the detachment sent to Ecclefechan, to join them at Longtown in Cumberland, they resolved upon marching into England. Many of the Scots, however, were highly displeased at this resolution, and the earl of Wintoun, with part of his troops, drew off, declaring they were taking the way to ruin themselves; but he was at last prevailed on to return. Others said they would rather surrender themselves prisoners than go forward to certain destruction. Upwards of four hundred left the army, intending to return home by Lockerby. Ten of them were taken at Bruryhill, by Robert Jardine and some country people, and carried to Dum-

fries. The rest passed in a body by Moffat; but finding they could not procure sufficient provision while they kept together, they dispersed at Airkstone, some of them taking their way towards Douglas, others towards Lammington. The people of Lammington being apprised of their approach, and that they were already within their boundaries, sent expresses to the men of Crawfordjohn, Robertson, Westoun, Biggar, Skirling, Coulter, and Kilbocho, to assemble next morning at the bridge of Clyde, which they accordingly did; and after a diligent search found two hundred of them in the hills of Lammington, whom they sent prisoners to Lanark. The miners of Hopetoun took sixty more, who were likewise sent to Lanark, and from thence to Glasgow. The main body arrived at Brampton on the 1st of November, where Mr. Forster opened his commission from the earl of Mar to act as general in England.

On Wednesday, the 2nd of November, this body of rebels marched to Penrith. Twelve thousand men in arms, stationed on the road to oppose them, dispersed and fled in the utmost confusion on the first appearance of the highlanders, leaving a great number of arms and ammunition. Next day they marched from Penrith to Appleby, and at last reached Lancaster without opposition, proclaiming the chevalier, and collecting the public revenues as they passed.

The attention of the court having been called to the danger with which Scotland was threatened, the duke of Argyle, as a leader whose attachment to the house of Hanover was known, and who was at the same time popular in his own country, was early in September appointed general of his majesty's army there. He had received his final instructions at court on the 9th of September, and immediately departed for the north, followed thither by the duke of Roxburgh, the marquises of Annandale and Tweeddale, the earls of Selkirk, Loudon, Rothes, Haddington, Islay, and Forfar, the lords Torpichen and Belhaven, sir David Dalrymple (the king's advocate), sir William Johnstone of Westerhall, and others who were in London attending parliament. On his arrival at Edinburgh, on the 14th, Argyle lost no time in visiting the castle, and examining its garrison, fortifications, and magazines; and he sent stores of arms and ammunition to Glasgow and Stirling for the use of the inhabitants of those towns. On the 16th he repaired to the

camp at Stirling, accompanied by the duke of Roxburgh and the earl of Haddington. The whole army, including Carpenter's and Kerr's regiments, amounted then to little more than eighteen hundred men. He had already written a pressing letter to the magistrates of Glasgow, begging them to send five or six hundred men to augment his force at Glasgow, and he used all the means in his power to raise recruits in other parts. The English government persisted in their unwillingness to send any troops out of England; but in consequence of Argyle's pressing solicitations, they dispatched orders to some regiments in Ireland to proceed immediately to Scotland.

Argyle soon found that he had not miscalculated on the zeal of the people of Glasgow, who responded to his application by sending immediately about seven hundred able-bodied men, well armed and accoutred, with a captain, lieutenant, ensign, two sergeants, two corporals, and a drummer to each company, and six standards. They were under the command of the provost, and the last division of them arrived in the camp on the 19th of September. The duke wrote back a letter of thanks to the magistrates, adding, "At present I will not insist upon any greater number; but desire you will, with the greatest dispatch, inform all his majesty's friends in the west country that I think it absolutely necessary for his majesty's service that all the fencible men should draw together at Glasgow and be ready to march as I shall acquaint them his majesty's service requires."

Expresses were immediately sent to all the well-affected gentlemen in the west, and great numbers repaired to Glasgow, eager to assist in the defence of their country and constitution. Hamilton furnished seventy volunteers, under the command of John Muirhead, one of the magistrates; Strathaven, sixty, under the command of William Hamilton of Overton, and William Craig of Netherfield Dyke; and other towns proportionally. On the sabbath-day, the 18th of September, two gentlemen came to Stirling from Glasgow to represent the danger of the city, from the rapid approach of the enemy in considerable numbers, with the intention of surprising it before sufficient force could be mustered for its protection. This alarm so animated the people, that next day they assembled at sun-rise, and in presence of the earl of Kilmarnock cheerfully offered to march forthwith to Glasgow, and accord-

ingly two hundred and twenty men marched thither immediately, and on the Tuesday the earl of Kilmarnock came with one hundred and thirty more. They immediately entered upon duty, keeping watch night and day until Saturday, the 1st of October, when the earl of Kilmarnock received orders from the duke of Argyle, for the volunteers of the west country to march towards the highlands and garrison the houses of Drumkill, Gartartan, and Cardross, in order to protect the country against Rob Roy and the MacGregors. The house of Gartartan, which lay farthest in the highlands, was assigned to the volunteers of Kilmarnock; Cardross to the Kilwinning and Stevenston volunteers; and Drumkill to those of Ayr. They marched on Sunday, the 2nd of October, and for their mutual security the three garrisons went in a body, the earl of Kilmarnock, the master of Ross, with several gentlemen and half-pay officers, to the number of sixty, accompanying them as an escort. The first night they arrived at Drymen, where they found very bad entertainment, it being a disaffected and malignant place; and having information that six hundred of the MacGregors were lying within three miles, they were obliged to place strong guards and lay under arms all night. On Monday, they marched to Gartartan, the earl of Kilmarnock with twelve horses accompanying them, and having possessed themselves of the house, under the direction of captain Charles Stuart of Kirkwood and lieutenant Nelson of Carcaffie, two half-pay officers, the earl returned to Glasgow. This, though the most exposed of the three garrisons, on account of the slightness of the house and its vicinity to the MacGregors, was of great importance as protecting the only pass by which the enemy could penetrate into the west and south country, all the other passes and fordable places of the Forth between this and Stirling being guarded by order of the duke of Argyle. Moreover, the people of the neighbourhood, who were generally disaffected, showed their hostility by taking every advantage of them, exacting double rates for their provisions. The garrison, however, stood its ground until the 13th of October, when they were relieved by a party of the Stirlingshire militia, and returned to Glasgow. The zeal of Greenock was not inferior to that of Glasgow. That town had also received letters from the duke of Argyle, with orders



to raise their militia, and a request that such as were already in arms should speedily repair to the camp at Stirling. Next day, the 19th of September, the Greenock companies were assembled, and lady Greenock, in a spirited address, told them that "the protestant religion, their laws and liberties, lives, and all that was dear to them as men and christians, as well as his majesty king George and the protestant succession, were all in hazard by that unnatural rebellion." Animated by this lady's address, eighty-four of the men immediately volunteered to serve the government for forty days, and next day they embarked for Glasgow, where they were joined by eight more from Carsedyke. On the 27th they marched to Kilsyth, and, on the 29th, to Stirling, where they were reviewed by general Wightman, and afterwards were ordered to Touch. On the 3rd of October they entered the castle of Touch, and on the 5th they were reviewed by the duke of Argyle, and continued there until the 12th of November, when they were ordered to Stirling to join the army which was marching to Dumblane; at which time, fifty of them, under the command of captain John Spire, marched to Alloa to bring over to the south side of the Forth all the boats they could find to prevent the enemy crossing there; but finding only one, they destroyed it and returned the same way to Stirling. Thirty more of sir John Shaw's men marched from Greenock to Edinburgh, on the 2nd of November, to guard some arms to Glasgow; after which they marched to Stirling and joined the rest of the Greenock men there on the 13th. The men that remained at home in Greenock and Carsedyke were meanwhile employed in guarding their respective towns, sending detachments to seize and secure suspected persons, to prevent their going to the earl of Mar, and in bringing over boats to the south side of the Clyde, to prevent the enemy, especially Rob Roy and his men, from crossing the river.

The duke of Argyle was indefatigable in his exertions to organise the king's forces, and to put them in a condition to face the enemy. We have already seen the success of his application to Glasgow. He also wrote to the town of Dumfries, and the rest of the well-affected burghs, as well as to the well-affected gentry. The following letter was written to Mr. Ferguson of Craigdarroch, in the middle of September:—"Edinburgh, 16th September, 1715. Sir,—Since

my arrival here, having received certain information that the disaffected highlanders, and the king's other enemies, are assembled in a considerable body, and, in a rebellious manner, threaten the government, I have not thought it safe to trust entirely to the number of troops that are at present in this country, and therefore have called for the assistance of the well-affected boroughs first, judging they might more easily come out than the country, because of the harvest. Your lord-lieutenant not being yet come down to give orders for drawing out such other of the well-affected people as should be thought necessary, and I being convinced of your zeal and good inclinations to serve our king and country, and looking upon you as my particular friend, I apply to you on this occasion, and desire you would forthwith come to Stirling with what number of well-armed men you can get together, to join the king's regular forces. This will be of infinite service to his majesty, and will not fail to be acknowledged as such. Since the king's armies are gathering together, it will be highly for his majesty's service, that all the well-affected men in your country, that are armed, should hold themselves in readiness to march, and even to begin to assemble. Though your number of men be not, at first, to your wish, yet you may march what you can get together, and they may still be increasing, as the necessity of affairs requires.—I am, sir, your most faithful and obedient servant, ARGYLE." Craigdarroch immediately communicated this letter to the gentlemen and people, and collected what men he could for his majesty's service. On the 22nd of September, sixty men from the parishes of Glencairn and Temror, marched to Keir Moss, under the command of John Gibson of Auchencrain, where the people of the neighbouring parishes were assembled, all completely equipped, and sir Thomas Kirkpatrick of Closeburn, in an animated speech, promised to such of them as were his own tenants, to defray the expense of their going and coming, and give each of them eightpence a day, while they were encamped at Stirling. The provost of Dumfries, attended by two of the baillies, acquainted Craigdarroch that they were raising a hundred men to join the duke of Argyle; but they soon after received intelligence of the motions of the disaffected gentlemen in their own country, which, fortunately, as we have seen, led them to keep their men at home.

Next day Craigdarroch and his men marched to Stirling, where they remained eight weeks, doing duty as the regular troops in the castle, according to the general's orders. The duke of Douglas had raised three hundred men, and on the 27th, one hundred marched to Stirling, and arrived on the evening of the same day at Carlisle. The other divisions would have arrived on the two following days; but, in consequence of the scarcity of provisions at Stirling, the duke of Argyle ordered them to canton on the north side of the Clyde, till farther orders.

In many cases, the friends of government made up by their activity from their want of actual force, and the attempts at insurrection were defeated in several places before they had come to any serious head. Such was the case at Kinross, where a party were proceeding to proclaim the pretender, when they were suddenly attacked by the earl of Rothes, at the head of a detachment of Scots greys, who dispersed them, and took their leader, sir Thomas Bruce, and carried him prisoner to Stirling. A plot had been formed in Edinburgh to seize the town guard, and attempt to gain possession of the city, and two hundred jacobites were to assemble in arms on a given day to carry this project into execution. But it was prevented by the vigilance of the earl of Islay, who seized the principal ringleaders at the place of rendezvous before the rest of the conspirators had assembled. The earl then proceeded to Argyshire, to assemble the vassals of his brother the duke, secure the town of Inverness, and prevent an insurrection in the western highlands. Affairs were everywhere, indeed, in a very critical position, for the weakness shown by the government had encouraged many, who had till now acted with caution, to declare openly for the pretender. Even the clan Mackintosh, which had hitherto supported the protestant government, was persuaded by Mackintosh of Borlaim to change sides, and, on the 5th of October, the laird of Borlaim, who was uncle to the laird of Mackintosh, and was commonly known as brigadier Mackintosh, joined the earl of Mar, with five hundred of his nephew's highlanders. The brigadier had served abroad, and bore the character of a brave and experienced officer; and his followers were the finest and best troops in the rebel army. Several other circumstances raised the spirits of the rebels at this time. Information having been given

to the earl of Mar that a quantity of arms had been delivered out of the castle of Edinburgh, and shipped at Leith for the use of the earl of Sutherland, who was preparing to raise his followers at Dunrobin, in his rear, he resolved to make an attempt to seize them. Fortunately for his design, it happened that the wind blew north-east, causing what is usually termed a foul sea in the offing of Leith; and the master of the vessel that carried the arms, which belonged to some merchants in Burntisland, at that time on the weather-shore, weighed his anchor and stood over to the shore of Fife, near that town. The earl of Mar, apprised of the situation of the vessel, dispatched five hundred cavalry, each with a foot soldier behind. They arrived at Burntisland in the middle of the night, and the foot soldiers having dismounted, entered the town, and seized all the boats in the harbour, to prevent all communication betwixt the shore and the vessel, while the cavalry surrounded the town to prevent the inhabitants from giving alarm. The officer in command next sent out about a hundred and twenty of his men in the boats to the ship, which they boarded without any opposition. They attempted to bring her into the harbour, but finding that the tide was not suitable, they filled their boats with her stores, landed them, and sent them immediately to Perth. The duke of Argyle had no intelligence of this affair till the following day, when it was too late to attempt the recapture of the stores. Moreover, the earl of Mar had caused a report to be circulated, that he intended to protect them with six thousand men, to be sent round by Alloa, and the duke did not think it prudent to hazard any part of his army against so great a force.

Argyle had, on the 16th of September, sent orders to colonel Campbell of Finch, who had the command of an independent company, to repair to Inverary, and assemble the Argyshire militia, in order to prevent the disaffected clans from rising or joining the earl of Mar. But before any progress could be made in raising the militia, the lairds of Glengarry and Glenmorriston came to Ahaahider, in the braes of Glenorchy, with about five hundred men, to raise the shire for the chevalier, and they arranged that the whole of the clans should join Glengarry, and having seized Inverary, march to the plains of Buchanan and form a junction with the earl of Mar by the 1st of October. Argyle's orders reached his



friends in time to enable them to get sufficient force together to hold Glengarry in check. Meanwhile, colonel Campbell deemed it best to divide and divert the clans in Argyleshire until the troops expected from Ireland had joined those at Stirling; a determination in which he was confirmed by the advice he received from the duke "to use his utmost efforts with Loehiel, or any other of the clans or their friends, to influence them to remain dutiful in their allegiance to his majesty's service, allowing him, in his name, as having power from his majesty, to offer them, in that event, safety and protection." Soon after, he received a message from sir Duncan Campbell of Lochnell, Cameron of Loehiel, Stuart of Appin, and other chiefs of the clans, promising, that if he would procure them the duke's friendship, they would march their clans to Inverary to join the king's troops, and they themselves would go to Stirling to wait on his grace. Colonel Campbell communicated to them the assurances his grace had empowered him to give them, and informed Glengarry that he would, upon his return, receive his majesty's pardon. Lochnell, Loehiel, and Stuart of Appin, informed the colonel that they had agreed to meet at the Sui to proceed to Stirling, and that Loehiel was to wait upon the earl of Breadalbane, his lordship having professed his attachment to the government. About the end of September, the colonel received another message from Lochnell and Appin, informing him that Loehiel had missed the earl of Breadalbane at his own house, and had gone to Logarret to wait on him, where he was with the earl of Mar, and that deeming this a breach of their agreement, they had resolved to go to Stirling without him. Next day, however, Lochnell came to Inverary and told the colonel that Appin appearing inactive, he thought it his duty not to wait upon him. The colonel endeavoured to persuade him to wait Loehiel's return, and to make them abide by their first resolution; but finding them determined to join the earl of Mar, he went alone to Stirling. About the 6th of October, the earl of Islay was sent, as before stated, to command the loyalists of Argyleshire. At the same time, MacDonald of Clanronald, with seven hundred men, came to Strathfillan, where Glengarry was posted with three hundred of the MacGregors and Glencoe men. The clan of the MacGregors had, in the end of September, broke out in rebellion under the

command of Gregor MacGregor of Glengyle, nephew to the celebrated Rob Roy, and having made themselves masters of the boats on the water of Enriek and Loeholmond, made an unexpected incursion on their neighbours in Buchanan, and the Monteiths, and possessed themselves of Loehmurrin. About midnight, they landed from the loch at Bonhill, where they did considerable damage. Soon after this they went to Mar's camp; but in a few days they returned to Craigroyston. It was resolved by his majesty's friends to retake the boats from them, and three long boats and four pinnaes were armed and manned from the ships lying in the Clyde, and, being joined by three large boats belonging to that place, were drawn up the river Leven by horses to the mouth of the loch, having on board a hundred of the Paisley volunteers. At night the Dumbarton men arrived at Luss, where they were joined by sir Humphry Colquhoun of Luss, and his son-in-law, James Grant of Pluseardin, followed by fifty strong fellows in their short hose and belted plaids, armed each with a gun on his shoulder, a target with a sharp-pointed steel on his left arm, a sturdy claymore by his side, and two pistols with a dirk and knife in his belt. Here they remained all night, and in the morning marched to Innersnaat, where those who were in the boats leaped ashore, and marched to the top of the mountains, accompanied with martial music. No enemy appearing, they went in quest of the boats taken by the MacGregors, which they found drawn up on the land. They carried off those which were not damaged, and destroyed the rest. The MacGregors had fled to Strathfillan, where they were joined by two hundred and fifty men, under Stuart of Appin, by sir John McLean with four hundred, by M'Dougal of Lorn with fifty, and by a party of Breadalbanes, amounting together (including those of Glengarry) to two thousand four hundred men. On the 17th they began their march towards Inverary, and came before it on the 19th. From the time of lord Islay's arrival, all possible means were used to bring in the duke's men; but sir Duncan Campbell's men, sir James Campbell of Auchencree, the men of Islay, and others, were prevented, by the sudden arrival of the rebels, from joining those in Inverary, who amounted to not more than a thousand men. The rebels, having viewed the town, encamped within

half a mile of it. The same night, two of Lochnell's servants, mistaking them for the loyalists, fell into their hands, but were liberated on promising to deliver a letter to his master. Sir Duncan gave the letter to lord Islay. It expressed a desire to communicate with sir Duncan, and any four or five, next morning without the town. In order to protract the time, the earl caused it to be notified to them that they would meet with Clanronald and Glengarry next morning. They met on a rising ground between the camp and the town, when the rebels told them "they had orders from the earl of Mar to oblige them to return home to their houses, which if they agreed to, they were ready to give them assurances that the shire should remain quiet." To which colonel Campbell and sir Duncan replied that, "they received no orders from the earl of Mar, and would stay together, or go home, as they thought fit." The conversation continued in this manner for an hour, when Glengarry proposed that neither party should plunder nor force any persons to join. Colonel Campbell told them, that no person should have the honour to carry arms for the king along with them but those who willingly offered their service, and that they had no power to treat or conclude. Next day they received a letter, stating, "that as his lordship had no power, either from the king or from his brother, to that purpose, he could neither conclude, nor so much as treat with any person in arms against the government." The day after receiving this letter the rebels broke up their camp and marched towards Strathfillan. The earl of Islay sent eight hundred men, under colonel Campbell, to harass them in their march, and the first day the colonel received information of seven hundred of the earl of Breadalbane's men in Lorn; and, having marched all night, came up with them next morning at Glenschehuch. The men on both sides threw away their plaids, and waited the signal to engage. A parley was, however, proposed at this critical moment, and a conference was held by the chiefs, the result of which was, that the Breadalbanes agreed to lay down their arms on condition of being allowed to march out of the country unmolested.

Early in October, the earl of Mar adopted a plan of operations which, if effectively carried out, would have placed the duke of Argyle in a most critical position. This

was, to transport a body of troops across the Forth to unite with the jacobites in Edinburgh and the Lothians, while he sent a commission to lord Kenmure to raise the friends of the pretender in the southern counties. The two bodies were to unite and attack Argyle in the rear, while he advanced. This plan was partly defeated through the want of union among the jacobite leaders to the south of the Forth, many of the most influential of whom were unwilling to rise at all until the chevalier appeared in person in Scotland. Brigadier Mackintosh of Borlam was chosen to command the expedition across the Forth, for which purpose he had his own five hundred highlanders, with the regiments of Mar, Strathmore, Nairne, Drummond, and lord Charles Murray, amounting in all to about two thousand five hundred men. We have already seen how, in spite of the precautions taken by Argyle's order to intercept them, the greater portion of these troops, amounting to about sixteen hundred men, reached the southern coast of the firth in safety, and after rendezvousing at Haddington, marched first to Edinburgh, and then, finding no encouragement there, established themselves at Leith. We have also traced the proceedings of brigadier Mackintosh until his junction with lord Kenmure and the English insurgents. After some delay, caused by the unwillingness of the highlanders to cross the border, this little army of insurgents marched to Bampton, in Cumberland, where general Forster opened his commission from the earl of Mar, which appointed him commander of the army in England. From this time, an allowance of sixpence a day was given to the highlanders, to keep them in good humour; but they continued their march with reluctance, and were much dispirited at the little sympathy their cause seemed to excite. They rested at Penrith and at Appleby, but still nobody joined them, and before they reached Kirby-Lonsdale the English troops began to desert. On their way to Lancaster, they received better news, for a brother of lord Widdrington came to assure them that the pretender had been proclaimed at Manchester, and that the gentry of the country were in general favourable to them, and ready to give them assistance. The highlanders gave three cheers at this intelligence, and showed more readiness to march forward. After resting two days at Lancaster, where they seized some arms that were in the



custom-house and some liquors, appropriated the public revenues and some other money, and obtained six pieces of cannon, they left that town on the 9th of November, and continued their march to Preston, whence they intended to advance to Warrington-bridge and Manchester, where they were informed that numbers waited to join them. They remained two days in Preston, undecided, it would appear, whether to proceed to Manchester or first to make themselves masters of Liverpool, but, as the delay had been taken advantage of to put that town in a sufficient posture of defence, general Forster gave orders for the whole army to commence its march towards Manchester on the 11th. This, however, was prevented by the unexpected intelligence that general Wills, with the troops of Cheshire, was advancing from Wigan to attack them, for they were so entirely without information, that they were quite ignorant that the king's troops under Carpenter and Wills had been drawing round them to hem them in. The incapacity of the rebel leaders was now shown in the neglect of most of the local advantages which might have assisted them materially in their defence. A hundred of Mackintosh's highlanders, under lieutenant-colonel Farquharson of Inverkale, had been stationed at the bridge over the Ribble, by which the enemy must have approached the town, but he was ordered back on the intelligence of Wills' approach, and general Forster withdrew the whole army into the town, and caused the streets to be barricaded. Two cannons were placed in each street, and the soldiers were posted in the houses from which they could fire upon the assailants without being much exposed themselves. The gentlemen volunteers, commanded by the earl of Derwentwater, viscount Kenmure, and the earls of Wintoun and Nithsdale, were placed in the churchyard. A barrier was formed immediately below the church, which was placed under the command of brigadier Mackintosh, who had the gentlemen in the churchyard to support him. A second barrier, commanded by lord Charles Murray, was formed at the end of a lane leading into the fields; a third, under colonel Mackintosh, near a windmill at another outlet of the town; and a fourth was placed in the street leading to Liverpool. Thus the four entrances to the town were sufficiently defended.

When general Wills, cautiously approaching the town, found that the rebels had

neither secured the bridge, nor taken advantage of the hedges and lanes round it, which might easily have been turned into formidable defences, he at first suspected a stratagem, and then imagined that they must have effected their retreat towards Scotland. But when he understood the real state of things, he took possession of the strong posts which they had neglected, and distributed his army in such a manner, that he could at will either attack the town, or defeat any attempt of the rebels to leave it. After reconnoitring, however, he determined to assail the rebels at once. The Cameronian regiment, under lord Forrester, with two hundred and fifty dismounted dragoons, and Honeywood's regiment, to support it, were directed, under the command of brigadier-general Honeywood himself, to attack the barrier below the church. After an unsuccessful attempt in front, the Cameronians entered the street leading to Wigan, in the hope of turning this barricade, but they found that it faced in that direction also. Lord Forrester drew up his men in the street, and opened a heavy fire of musketry on the barricade, which did considerable execution, but his own troops were exposed so much to the fire of the enemy from the houses, that he was compelled to desist, though he secured possession of two large houses, one of which overlooked the whole town. A desperate attack was at the same time made on the barrier entrusted to lord Charles Murray, but the king's troops, after being twice beaten back and suffering considerable loss, were withdrawn. An attack upon the windmill battery was no more successful. The king's troops remained quiet during the night, with the exception of the Cameronians in the two houses, who kept up a constant fire upon all whom they saw moving in the streets, who were easily distinguished from the circumstance that Wills ordered the suburbs occupied by his troops to be all illuminated. Before daybreak, he had fortified his own position, and planned two simultaneous attacks, which were to support each other. The rebel army in Preston, being much more numerous than its assailants, might still, by a desperate effort, have forced its way through them, and have effected its retreat; but all hope of escape was at an end, when, about noon next day, which was Sunday, the 13th of November, general Carpenter arrived, with the regiments of Cobham, Molesworth, and Chur-

chill, and a considerable number of country gentlemen, among whom were the earl of Carlisle, lord Lumley, colonel Darey, and others. General Wills explained to him his dispositions, and then offered to resign the command, as he was his superior officer. But Carpenter approved of what had been done, and refused to assume the command, telling Wills, "he had begun the affair so well, that he ought to have the glory of finishing it." However, having viewed the post, and the situation of the enemy, and finding the principal part of the troops posted on one side of the town, and crowded in such a narrow position that only three or four could be brought up at once, general Carpenter recommended a distribution of the force, and suggested that troops should be posted at the end of Fishergate-street, which had hitherto been open, and by which many of the rebels had escaped. At the upper end of this street (which leads to a marsh or meadow, running down to that part of the river Ribble where there are two excellent fords, in the direct road to Liverpool) there was another barricade, with two pieces of cannon; but no attack could be made, because of the small number of the king's forces. Here general Carpenter ordered colonel Pitt to post his two squadrons of horse, in order to prevent any more from escaping. The consequence of this was, that six or seven of the rebels, in despair, endeavouring to force their way and escape, fell in among Pitt's regiment, and were all cut to pieces.

The rebels being thus invested on all sides, and perceiving their hopeless condition, began to deliberate upon what was most expedient to be done. The highlanders proposed to sally out upon the king's forces, and force their way through, or perish sword in hand; but they were overruled. General Forster, prevailed upon by lord Widdrington, colonel Oxburgh (who in reality directed all his operations) and others, resolved to capitulate, flattering himself that they should obtain honourable terms. Accordingly, about two in the afternoon, colonel Oxburgh was dispatched to treat of a surrender; while the soldiers in the garrison were informed, that general Wills had offered honourable terms to them, provided they would lay down their arms and submit. The only answer colonel Oxburgh could obtain was, "that the rebels could expect no other terms than to lay down their arms and surrender at dis-

cretion." He still urged for better terms; but general Wills told him "that they must submit to the king's merey, that no other terms could be made with them, and that if they laid down their arms and submitted prisoners at discretion, he would prevent the soldiers from cutting them to pieces till he had further orders; and that he would give them only one hour to consider of it." Oxburgh returned to Forster with this reply, and before the hour was elapsed, captain Dalzel was sent out to general Wills, to desire terms for the Scots. He received an answer similar to the above, but requested further time for consideration. About three o'clock in the afternoon, general Wills sent lieutenant-colonel Cotton, his aide-de-camp, into the town to receive their final answer. General Forster told him, that owing to disputes between the Scots and English, they wished for a cessation of arms till next morning, when, he hoped, they would be enabled to give a satisfactory answer. Wills acceded to this request, on the condition that no new intrenchments should be formed, nor any suffered to make their escape; and that they would send out a Scottish and English officer of rank, as hostages for the performance. The earl of Derwentwater and brigadier Mackintosh were accordingly sent as hostages. When the highlanders were told of capitulating, they became furious, declared they would sooner die fighting, nor could they, for some time, be pacified. Confusion prevailed everywhere: the soldiers threatening and assaulting each other for mentioning a surrender; so that, in these affrays, one was killed and several wounded. Many exclaimed loudly against general Forster, and threatened him, and he had a narrow escape in his own chamber, where a Mr. Murray discharged a pistol at him, but Mr. Patten turned the pistol aside. Next day Forster informed Wills, that they would surrender themselves "prisoners at discretion," as he had demanded. Brigadier Mackintosh, who was standing by when the message was brought, said, "he could not bid them expect the Scots would surrender in that manner; the Scots were people of desperate fortunes: he had been a soldier himself, and knew what it was to be a prisoner at discretion." To which Wills replied, "Go back to your people again—I will attack the town; the consequence will be, that not a man of you will be spared." Mackintosh accordingly returned into the town, but came running out immediately,



saying, "the lord Kenmure and the rest of the noblemen, with his brother, would surrender on terms such as the English had accepted." The rebels having thus submitted to the mercy of the king, colonel Cotton was sent to take possession of the town, and to disarm them. The generals entered the town at the head of the troops, which came in at the end next Lancaster; while brigadier Honeywood, with the remaining troops, entered at the opposite end of the town, with drums beating and colours flying. Both divisions met at the market-place, where the highlanders were drawn up under arms. The noblemen, gentlemen, and officers were first secured, and placed under a guard in separate rooms in the inns. The highlanders then laid down their arms, and retired into the church, under a strong guard. All being secured, general Carpenter sent off his troops to Wigan, that they might refresh themselves two or three days, and, on the 15th, left Preston himself, with the earl of Carlisle, lord Lumley, colonel Darcy, &c., Wills remaining to take charge of the prisoners.

So many of the rebels had escaped, that, although when the town was invested their number amounted to not less than four thousand men, the number of prisoners taken was only one thousand four hundred and ninety-seven, of whom four hundred and seventy-nine only were Englishmen. There was, however, among these a great proportion of noblemen and gentlemen, the chief of whom were, of the English, the earl of Derwentwater and his brothers, lord Widdrington and two brothers, Edward Howard, brother to the duke of Norfolk, general Forster, and sixty-two gentlemen of family; and of the Scots, there were the earls of Nithsdale, Carnwath, and Wigtoun, viscount Kenmure, lord Nairn and the master of Nairn, the duke of Hamilton's nephew Basil Hamilton, and James Dalziel, uncle to the earl of Carnwath, with nearly a hundred and forty gentlemen of good family. The loss of the rebels in defending the town against the attacks of the king's troops was very small, amounting only to seventeen killed and twenty-five wounded; that of the assailants was more severe, as it was reckoned by themselves at fifty-six killed and ninety wounded. Some of the common soldiers were executed as examples, and the rest were mostly sold to the plantations. The noblemen and some others were sent to London for trial.

On the same day which witnessed the capture of the rebel force at Preston, the main body of the insurgents under the earl of Mar received a check in Scotland which had a decisive influence on the fate of their attempt. On Mar's return from the demonstration he had made to cover the advance of the division under brigadier Maekintosh, he established his quarters for a few days at Auchtermarder, but afterwards resumed his head-quarters at Perth. There he resolved to remain until the return of messengers he had sent to the pretender, and with this design he began to fortify the town and the bridge over the Earn. In the meantime he proceeded to levy contributions on the country which was in his power, or within his reach, and demanded an assessment of twenty shillings sterling on those who joined the pretender's party, and double that amount on those who refused. This tax was collected over parts of the shires of Fife, Clackmannan, Kinross, and Perth. As a party of two hundred horse and a hundred foot, employed in the service of collecting this money, passed Castle Campbell on Sunday, the 23rd of October, they were overtaken early in the morning by a detachment of the king's dragoons under colonel Cathcart, who killed and wounded several, and carried seventeen of their prisoners to Stirling. At the same time the duke of Argyle published an order forbidding the king's subjects to pay any cess to the rebels on pain of high treason, which was met by a counter-proclamation from the earl of Mar denouncing the same penalty against any person enlisting in the service of the "elector of Brunswick."

Argyle was still, in spite of his utmost exertions, at the head of a very small force, and so straightened for provisions, that on the arrival of the regiments from Ireland, he was obliged to direct them to remain at Glasgow. Encouraged by his knowledge of the duke's weakness, and finding that from the exhausted state of the country it would soon be difficult to keep his army together at Perth, the earl of Mar resolved to march south; but, though he now possessed an effective force of twelve thousand men, well armed and provided, he prepared, instead of boldly attacking his enemy, to avoid him by a stratagem. He proposed, by three false attacks, with a thousand men each, on three points at the same time—namely, the end of the long causeway leading to Stirling-bridge, the Abbey Ford, a

mile below, and Drip-Coble, a mile and a-half above the bridge, to keep the duke's attention occupied while he passed the river with his main army at the fords higher up; and this latter movement having been effected, the three thousand men employed in the false attacks were to be withdrawn, and to follow him across the fords. But Argyle, who had perfect intelligence of his proceedings, resolved to anticipate him by advancing with his whole army, which amounted to not much more than three thousand men, to the rising ground above Dunblane, keeping the road to Perth, along which the rebels must march, on his left. Having, therefore, called in the troops which were lying at Glasgow, Kilsyth, and Falkirk, and leaving the earl of Buchan with the Glasgow regiment and the militia of the county to protect Stirling, Argyle began his march on Friday, the 11th of November, and encamped on the rising ground between Dunblane and the Sheriff-muir.

On the previous day, Mar, having left colonel Balfour with a garrison in Perth, had marched to Auchterarder, where he reviewed his troops, which amounted, according to his own account, to five thousand foot and two thousand three hundred horse. They were joined there by the clans under general Gordon, consisting of three thousand foot and some hundred horse; making in all an army of between ten and eleven thousand men. Having rested here during the 11th of October, Mar began his further movement on the 12th by sending general Gordon and brigadier Ogilvy forward to seize upon Dunblane, with eight squadrons of horse and all the clans, while he went himself to Drummond castle to meet lord Breadalbane. He left general Hamilton in command, who was to parade the army very early in the day on the muir of Tullibardine, and afterwards march after general Gordon. On his march, general Hamilton received information that a detachment of the king's troops were in possession of Dunblane, and he sent a hasty dispatch to the earl of Mar to this effect. Soon after, Hamilton received a message from general Gordon, who was then about two miles to the westward of Ardoch, and who had received intelligence that the king's troops were in Dunblane in considerable force. Upon this general Hamilton drew up the army at the Roman camp near Auchterarder, where the earl of

Mar soon afterwards arrived; but, having no further intelligence from general Gordon, he assumed that it was nothing more than an attempt by a small party of the enemy to disturb his march, and sent his men to their quarters, with orders to be ready to assemble on the parade at any time of the night or day when they should be summoned by the firing of three cannons. The men had hardly reached their quarters, when Mar received certain intelligence from general Gordon that the duke of Argyle was at Dunblane with his whole army. Mar immediately sent orders to Gordon to halt until he came up with him, and, on the firing of the three guns, the rebel army assembled under their colours with the greatest alacrity, and marched up to Gordon, who was at Kinbuck, where the whole rebel army lay under arms during the night. Early next day, which was Sunday, the 13th of March, Mar formed his army in order of battle on the muir fronting Dunblane, to the left of the road leading to that town. They formed in two lines, the extreme right of the first line composed of the Stirling squadron of horse, to whose care the standard of the pretender was entrusted, and of two squadrons of the marquis of Huntley's regiment. The Perth and Fife squadrons of horse occupied the left of this line. The centre was composed of the foot, the clans occupying the right, and the lowland troops the left. The second line was formed in a similar manner, the centre consisting of three battalions of the marquis of Seaforth's foot, two battalions of Huntley's, the earl of Panmure's, the marquis of Tullibardine's, two battalions of the Drummonds under viscount Strathallan and Logie Almond, and the battalion of Strowan; flanked on the right by the earl Marischal's squadron of horse, and on the left by the Angus horse. As soon as the army was thus formed, Mar held a council of war in front of the horse to the left, and it was resolved to give battle without delay.

Meanwhile the duke of Argyle had been apprised on the previous night of the approach of the enemy, and having immediately drawn up his own army in order of battle, with his left leaning on Dunblane, and his right on the Sheriff-muir, where it was completely protected by the boggy character of the ground, they also lay under arms during the night. The duke himself occupied a sheepcot under the hill to the right of the army, where he sat all night



upon some straw. At midnight he ordered thirty rounds of ammunition to be served out to each soldier. Early in the morning of the 13th, the duke, having ordered his men to stand to their arms in the same order they had passed the night, rode forward accompanied by general Wightman to a rising ground from whence he could observe the enemy, for the ground was so uneven, that, although the distance between the two armies was less than two miles, they were concealed from each other's view. Mar, after the chiefs had come to the decision of giving battle, put his army in motion, and it became evident that he intended to attack the left of the duke, who immediately rode back to make his dispositions accordingly. On the preceding day, the nature of the ground protected Argyle's flank on this side, but a hard frost during the night had made the muir passable. The duke, therefore, was obliged to change his order of battle. His first line consisted of six battalions of foot, covered on the right and left by three squadrons of dragoons, and the second composed of two battalions in the centre, with a squadron of horse on the right and another on the left, and one squadron of dragoons behind each wing of horse in the first line. As he was thus stretching out his army to the right, the duke came upon the rebels' left, which was thrown into some confusion by the nature of the ground over which it had marched, and he gave orders to charge them with horse and foot, which were executed with such impetuosity, that, after a short but vigorous resistance, they were broken and driven from the field in great confusion, though they attempted to rally several times, the duke and general Wightman, with five squadrons of dragoons, the squadron of volunteers, and five squadrons of foot, pursuing them to the river Allan, a distance of about two miles. Meanwhile the fortunes of the battle had been reversed on Argyle's left. The earl of Mar had placed himself at the head of the clans on his own right, and leading them against the enemy, they threw themselves upon the royal troops with the yells and impetuosity characteristic of highland fighting, and in less than a quarter of an hour the whole of Argyle's left was thrown into irremediable confusion, and the fugitives never stopped till they reached Stirling, accompanied by their commander, general Whetham, who believed that all was lost. The rebels pursued them for half

an hour, and were so intent on the slaughter, that they only desisted on receiving intelligence of the fate of their own left. General Wightman, with the five squadrons of foot who followed the duke of Argyle in pursuit of the left wing of the rebels, received the first intelligence of Mar's success, and immediately slackened his own march, drawing up his men in the best manner to resist an attack, while he sent a messenger forward to urge the duke to withdraw his horse and rejoin him without delay. Argyle immediately returned, and, though in the utmost consternation to find a victorious army of more than three times his own number in his rear, faced about and marched resolutely toward the hill of Kippendavie, the top of which was occupied by about four thousand of the enemy. But Mar and his officers wanted the skill to improve the advantage they had gained, and they remained quietly at the top of the hill, while the duke passed the bridge of Dunblane and took up a strong position at the foot of the hill without interruption. During the night, the earl of Mar, though he published boastful accounts of his complete victory, withdrew his army, and retired first to Ardoch, and thence to Perth, giving out that he was forced to this retrograde motion by the want of provisions. It was observed that the celebrated Rob Roy, who had joined the rebel army with the MacGregors, held aloof during the battle, and refused to take any part in it, influenced it is supposed by his personal obligations to the duke of Argyle.

Argyle's troops had suffered considerably in this engagement, and as he was not in a condition to pursue the enemy to Perth, he returned the day after the battle to Stirling, carrying with him his own wounded, and a considerable number of prisoners, among whom was viscount Strathallan, with several gentlemen of rank. He could show in proof of his claim to the victory fourteen of the enemy's colours, among which was *their* royal standard, six of their cannons, and four of their waggons. The account of the loss of the rebels in killed and wounded which seems nearest to the truth, makes it about six hundred, but it included among the dead the earl of Strathmore, the laird of Clanronald, and several other persons of distinction, and among the wounded were the earl of Panmure, Drummond of Logie, colonel Maclean, and some others. The loss of the king's troops appears to have

been very nearly the same in number as that of the rebels; colonel Hammers and captain Armstrong, the duke's aide-de-camp, were the only persons of much account slain in the battle, but the lord Forfar received so many wounds, that he died within three weeks after it. The earl of Hay was also severely wounded, but he recovered; and the same was the case with general Evans, colonel Hawley, and Charles Cockburn, the son of the lord justice-clerk. Mar, on his arrival at Perth, caused the town to be illuminated and the bells rung to celebrate his victory, and ordered thanksgiving sermons to be preached; and Fairbairne, who had held the office of king's printer at Edinburgh, but who had deserted to the pretender, was employed, still under the same title, to print exaggerated accounts of the successes of the rebels and the flourishing state of their affairs.

In the north the rising had not been so general as might be expected, and the jacobites were often anticipated by the activity of the friends of the Hanoverian succession. Thus, at the beginning of the insurrection, the Monroes, the Sutherland men, the Grants, the Rosses of East Ross, the Reays, and others, had taken up arms for the government, while others hesitated between the two parties. The clan of the Mackintoshes, as we have stated before, were seduced from their allegiance by brigadier Mackintosh of Borlaim, who, in the middle of September, surprised the town of Inverness. Having proclaimed the pretender, he left a garrison in it under Mackenzie of Coule, and marched south with his clansmen to join Mar's army at Perth. On his way he passed the house of Forbes of Culloden, which he invested, and sent in a demand for his arms and ammunition. The laird was in London, but his lady was at home, and sent a reply, "that her husband had left her the keys of that house, with the custody of what was in it, and she would deliver them to none but himself." She at the same time put the house in a posture of defence, and prepared for a vigorous resistance. Mackintosh remained about the house molesting her tenants, until lady Forbes, a few days after, sent her chamberlain to demand assistance from colonel Monro of Fowles, who immediately armed about two hundred men for her relief; but when he came to the water of Conon he received a message from lord Seaforth, who told him

he would dispute his passage with fifteen hundred men. The colonel, however, disregarded this threat, and would have continued his march to the lady's assistance, but her own tenants in Ferntosh informed him, "that his assistance would not be requisite, Seaforth having promised that Mackintosh should no more infest Culloden." These tenants, however, refused to join colonel Fowles as they had promised, and being unable without them to make head against Seaforth and the Mackintoshes, he returned home. On the 26th of the same month, the earl of Seaforth sent Alexander Mackenzie of Davahmaluak to sir Robert Monro of Fowles, to inform him "that he was now designed to execute what he had so long determined—namely, to set king James upon the throne, the matter now being so ripe as it would be effectuated without stroke of sword; he therefore required him to deliver what arms and ammunition he had by him, as he tendered his own safety." To this sir Robert replied, "that what arms he had, he had them for the use and service of king George, whom he would defend while his blood was warm." He then placed a strong garrison in his house, and next day sent the rest of his followers, and the gentlemen of his name, under the command of his son, colonel Robert Monro, to the bridge of Alness, which colonel Monro had appointed as the place of rendezvous for four hundred men of his name and their followers. They encamped there, and were joined next day by Ross of Brealangwell, chamberlain to the lady Ross of Balnagowan, who brought one hundred and eighty of that lady's tenantry; and their number was further increased, on the 6th of October, by the arrival of the earl of Sutherland and the lords Strathnaver and Reay, who came to the camp at Alness with three hundred of the earl's, and two hundred of lord Reay's men, forming a total of twelve hundred men, which they considered sufficient to defend the country from the earl of Seaforth, and prevent him from joining the earl of Mar at Perth. Seaforth, however, had also received an accession of strength by the arrival of sir Donald Macdonald, with about seven hundred men of his own, and other clans which he had picked up in his way from the Isle of Sky; such as the Mackinnans, Maceraws, and Chisholms of Strathglass, and his force now amounted to nearly three thousand men. Sutherland,



feeling himself unable to oppose so formidable a force, sent an urgent letter to Culloden, requiring the Grants, with Kilravock and other friends in the shires of Inverness, Nairn, and Murray, to muster all the force they could and hasten to his assistance; but although this request was obeyed with the utmost alacrity, and in a very short time after it was received, captain Grant marched with above twelve hundred men to reinforce him, they were stopped at the bridge of Dulcy, on the water of Findhorn, by a messenger informing them that the earl of Sutherland had retreated to the Bonar. It appeared that on Sunday, the 9th of October, the earl of Seaforth and sir Donald Macdonald had advanced with their limited forces to attack the earl of Sutherland, who immediately held a council of war, and it was resolved, that since there was so great a disparity in their numbers, it would be safer to make a retreat to the Bonar (a narrow arm of the sea, which divides Ross from Sutherland), than to hazard an engagement. Colonel Monro dissented from this resolution, knowing how difficult it would be to keep the men together after a retreat; but being outvoted, he followed the earl till he came to the Bonar, where finding that Sutherland's men and the Mackays had deserted, and were all gone over to the Sutherland side of the ferry, he and the gentlemen of his name, leaving their horses, crossed the mountains with their followers, and came betwixt the enemy and his father's house. Having reinforced its garrison, he sent the rest of the men to the mountains till further orders.

Immediately after lord Sutherland retired from Alness, lord Seaforth encamped there with his whole force, and remained till Saturday, the 15th, harassing the country of the Monroes. The rebels seem to have received some of their rudest rebukes from the loyal ladies of these parts. We are told that Seaforth, paying a visit to lady Tenenich, a friend told her that he was come to protect her, upon which she exclaimed, "the Lord of Hosts be my protector!" The earl entering at this moment heard the expression, and was so highly offended that, quitting the house hastily, he sent a party of soldiers, who plundered her of all her cattle and movables. He also repeated the summons to the lady Ross of Balnagowan (sister to the late earl of Murray), to deliver what arms and am-

munition she had. But this courageous lady, having a tolerably strong garrison in her house, called them together, and showing them the letter, declared, "that though she was not void of that fear incident to her sex, yet, in the sight of God she would rather die in the rubbish of that house, than buy her own quiet by giving so much as one gun-flint to employ against the interest of Christ." She sent her answer to Seaforth's camp at Alness, who, however, had left that place a few hours before the messenger came, and was on his way to Inverness, in consequence of messages he had received from the earl of Mar, urging him to join him at Perth with all possible expedition. Accordingly he remained but a day or two at Inverness; but during that short period several of those whom he had brought with him from Alness deserted. The loss, however, was compensated by the arrival of three hundred of the Frasers, under Alexander Mackenzie of Fraserdale. Having left sir John Mackenzie of Coule with a garrison in Inverness, Seaforth commenced his march on Monday, the 24th of October, towards Perth, through Strathspey, where the Grants, apprised of his coming, assembled for the defence of their territory. Though Seaforth and sir Donald's forces tripled the number of the Grants, they judged it inexpedient to attack them, and only demanded one hundred cows and one hundred bolls of meal for ready money, which being refused, they passed on through Strathspey, without doing any injury, lest the Grants might harass them on their march. Now changing their course, they marched to Badenoch, where they quartered several days on their friends, and ceased that country for provisions, and soon afterwards they reached Mar's camp at Perth.

About the end of October, the lord Lovat (who had returned to Scotland, and had been for a moment arrested at Dumfries on suspicion of being a spy), and the earl of Culloden arrived in the north, and joined with the Grants in a plan for the recovery of Inverness from the rebels, for which purpose they held a meeting with Kilravock, Duncan Forbes, and others. For some reason or other, Simon Fraser was a favourite of his, many of whom hastened to join him as soon as his return was known; and in a few days he proceeded, with a body of his friends and relations, to Stratherrick, where he was joined by Hugh Fraser of Foyers, and Alexander Frazer of Culdathill. In

his march to Stratherriek, he dispersed the clan Chattan, who had assembled in arms on the water of Nairn, for the purpose of assisting the rebel garrison of Inverness; and Macdonald of Keppoch, who, for the same purpose, had assembled three hundred men in the braes of Abertarf, having notice of Lovat's approach, also gave up the design. Lovat crossed Loch Ness at Bonar, with two hundred chosen men, and marched by Kilmayles; while colonel Grant, with his own, Elcheiz's, and Knockandow's men, marched through Murray; and captain George Grant, with three hundred men, proceeded direct towards Inverness.

When the departure of lord Seaforth for Perth had left the communication between the scattered loyalists open, the earl of Sutherland called a meeting of the deputy-lieutenants of Ross, Murray, and the other shires within his lieutenancy, at Invergordon in Ross-shire, at which it was agreed to send Alexander Gordon of Ardoch to London to represent the critical state of that country, and his mission was so successful, that he returned about a month afterwards with a thousand stand of arms. In the meantime, it was agreed that the gentlemen of Murray, in conjunction with lord Lovat and the Grants, should invest Inverness on that side the Murray Frith, while the earl with his men, in conjunction with lord Reay's men, the Monroes, and the Rosses, should attack it on the north. But before Seaforth or Reay, on account of the length and difficulties of the way, could arrive, Lovat and the Murray lieutenants invested the town, not deeming it expedient to wait. They first attempted to take it by surprise, but the detachment employed for that purpose was defeated through the rashness of their leader, captain Arthur Ross, brother to the laird of Kilravock, who was killed while pressing too eagerly on the enemy. It was now determined to surround the town and castle, for which purpose Lovat, with his detachment, took up his position at the west end of the bridge, while captain Grant stationed himself on the south side, to enter the castle-street, and the Murray lieutenants, Kilravock, Lethem-Brodie, sir Archibald Campbell, and Dunphail, with about three hundred men, were to attack the East-port. But Mackenzie, the rebel governor, fearing to be cut off from his escape, now abandoned the town, and crossed the Firth with his men, in boats. On the other side he was

met by colonel Monro, who had hastened before the earl of Sutherland with a hundred and fifty men, but as neither was willing to attack the other, Monro continued his march, and entered Inverness the same day, Saturday, November the 12th, a few hours after Lovat and his companions had taken possession of it. Colonel Monro occupied the castle, as governor, in virtue of his commission; while Lovat's men, with the Grants and the Murray gentlemen, guarded the other parts of the town.

A few days afterwards, the earl of Sutherland arrived, bringing with him twelve or fourteen pieces of cannon, which were immediately planted on the castle. Another instance of Lovat's popularity with his clan now occurred; for he having found means to acquaint the three hundred Frasers who had followed Mackenzie of Fraserdale to Perth, of his return, they came away in a body, and immediately ranged themselves under his banner at Inverness. Sutherland, now finding himself at the head of a considerable force in this town, proceeded to take steps for securing a supply of money and provisions; and for that purpose, he marched out on Saturday, the 19th, and, with his own and lord Reay's men, the Rosses, and a detachment of the Monroes, made an incursion on the lands of the Mackenzies, cessing those gentlemen who had sent their tenants with Seaforth to Mar's camp, but taking care that the contribution exacted did not exceed the six weeks' provision they were obliged in law to give their men, in case they had sent them to serve the government; and in eight days after, he returned, bringing his whole army with him into Inverness. At the beginning of December, the earl of Sutherland and the lord Strathnaver his son, with three hundred men, two hundred of the Rosses, under Hugh Ross of Brealangwell, and three hundred of the Grants, made another incursion through the shires of Murray and Nairn (having left colonel Monro of Fowles in Inverness), laying the country under contributions for the maintenance of the men in their service. The deputy-lieutenants for the county of Banff, hearing that Mar was cessing the people there, published a proclamation in the parish churches, prohibiting the payment of such impositions, and promising, that when the security of Inverness was sufficiently provided for, they would be next considered. Wherefore, when Sutherland came to Elgin,



colonel Grant being sent to the garrison at Ballveny, to glean intelligence, and to maintain a correspondence with him, captain Grant, Culloden, and the other deputy-lieutenants of Banff, cutreated the earl to cross the Spey, reduce the lower end of the country, and thence proceed to the relief of their friends in the Boyne and Aberdeenshire, where numbers were anxiously waiting to join his majesty's forces. Sutherland, however, judged it more expedient to secure the safety of Inverness, which was again threatened with an attack by the rebels, who were gathering together, after their return from Dunblane. The ministers and gentlemen who had issued the aforesaid proclamation were thus left exposed to its consequences; for, having lost hopes of relief from that quarter, they were more harassed and insulted by the rebels than before.

The Grants were now allowed to go home, while the earl of Sutherland, with lord Reay and other chiefs, marched back to protect Inverness. Lovat, Kilravock, and sir Archibald Campbell of Clunie, with a force of six hundred men, remained at Elgin, to collect the requisitions which they had imposed for the maintenance of the troops.

During this interval, the battle of Dunblane had taken place, and the rebel leaders who had returned to Perth were not a little embarrassed by this activity of the loyal chiefs in the north; and several could not be hindered from separating themselves from the earl of Mar, to hasten back to the protection of their own estates. Among these was the earl of Seaforth, who returned to the north at the beginning of December, and towards the end of that month drew his men together, and concerted an attack upon Inverness with the marquis of Huntley, who had also returned with his men from Perth. The earl of Sutherland having intelligence of this design, resolved to attack Seaforth before he could join with Huntley, and he marched out of Inverness with three hundred of his own men, nearly the same number of the Mackays, under Patrick Mackay of Scourie, three hundred Grants, under captain George Grant, two hundred of the Rosses, under Hugh Ross of Brealangwell, and about two hundred of colonel Monro's men, and proceeded to the muir of Gilliechrist, where he was joined by five hundred of lord Lovat's men. Seaforth had there assembled about

twelve hundred men, all he was able to muster of those who had returned from Dunblane; and, finding he could not otherwise avoid fighting under a disadvantage, he made his submission to the government, and "owned king George to be his lawful sovereign, and promised to deliver himself and his arms when and where the king should require him." The earl of Sutherland returned to Inverness on the 1st of January, 1716, and soon afterwards the marquis of Huntley also gave in his submission, which he kept with more fidelity than the earl of Seaforth, who, only a few days after his submission, having received intelligence of the landing of the chevalier, collected his followers again, and placed guards upon the several passes and ferries, who robbed many of lord Sutherland's, lord Reay's, and the East Ross men, of their arms, as they were returning home, trusting to the submission. He also sent a party of three hundred men to possess the town of Chanrie, for the purpose of interrupting the communication betwixt Inverness and Ross. Sutherland sent colonel Monro, with two hundred men, in boats from Inverness, to recover that place from them; but Mackenzie of Coule arriving with four hundred men to assist the rebels, colonel Monro found it advisable to retire.

Mar's chance of success rested entirely on the rapidity of his movements, and on his surprising his enemies before their preparations for resisting him were completed; but his opportunity for doing this was now entirely lost through his own incapacity for the work he had undertaken. Since his return to Perth, his inactivity had effectually discouraged the highlanders, and his own men could be no longer convinced of his claims to a victory from which he was able to derive no advantage. As might be expected, therefore, his ranks soon began to be thinned by desertion, in addition to the loss of Seaforth, Huntley, and the Frasers, which was very imperfectly made up by the arrival of Macdonald of Keppoch. Moreover, the Dutch auxiliaries had now arrived in England, and they were dispatched with the English troops who had been released in the north of England by the capture of the rebels at Preston, to the assistance of the duke of Argyle. General Cadogan was also sent to co-operate with him, and he was followed by a small detachment of engineers, while a fine train of artillery was shipped from the Tower of London. Argyle

now began to act with more spirit on the defensive. On the arrival of part of the Dutch troops, he ordered the commodore of the Leith station to cannonade Burntisland, which was in the hands of the rebels, who, imagining that this was preparatory to a descent by the foreign troops, abandoned the place in such haste that they left behind them their stores and six pieces of ordnance. Other places in Fife were abandoned by the rebel garrisons, and were immediately occupied by the king's troops. Upon this the duke ordered three battalions of the Dutch troops to cross at Queensferry, and strong divisions were placed at Dunfermline and Inverkeithing, under the command of colonel Catheart. Fife was thus entirely freed from the insurgents, the ministers returned to their charges, and the earl of Rothes proceeded to organise the militia. The position of the earl of Mar at Perth was thus becoming daily more disagreeable, and the discontent of his troops became so great, that, to hinder them from capitulating, he found it necessary to send proposals to the duke of Argyle, which were dispatched to court, and only replied to by orders to proceed to the utmost extremities against the rebels. Mar appears to have calculated that the inclemency of the season would protect him for some time from attack, and, although he was secretly prepared to abandon Perth on the first advance of the enemy, he proceeded to fortify it and establish magazines and stores, as though he were resolved on offering a long resistance. He was still at Perth, when news of the arrival of the pretender in Scotland came to raise his spirits and hopes for a moment.

The chevalier, at the urgent entreaty of his adherents in Scotland, had several times gone aboard the ships at St. Maloes, laden with arms and ammunition for his service, but he had as often deferred his departure; and he had subsequently traversed Normandy, to embark at Dunkirk, lurking for some days in different parts of the coast of Britany, in the disguise of a mariner. He at length embarked with the marquis of Tynemouth, son of the duke of Berwick, lieutenant Cameron, and three or four others, in a French vessel, formerly a privateer of eight guns, well manned and armed, and sailed towards Norway, but, changing his course, finally made for Peterhead, where he arrived on the 22nd of December, after a voyage of seven days. He landed with a retinue of six gentlemen, and the ship immediately

returned to France with the news of his safe arrival. Lieutenant Cameron was dispatched to Perth, where he arrived on the 26th, and the earl of Mar immediately set out, with the earl Marischal, general Hamilton, and twenty or thirty persons of quality, to attend the chevalier, who had lodged one night in Peterhead, with his companions, all disguised as sea officers. The next night they passed at Newburgh, the seat of the earl Marischal; on the 24th they passed, still in disguise, through Aberdeen, with two baggage horses, and at night came to Fetteresso, the principal seat of the earl Marischal, where the earl of Mar, Marischal, and Hamilton came to him on the 27th. He now laid aside his disguise, and they kissed his hand, acknowledged him as their king, and proclaimed him at the gates of the house. General Hamilton was sent over to France to announce his reception in his hereditary kingdom, and solicit supplies for his service. He was hindered from proceeding immediately to Perth by a sudden attack of an aguish distemper, which detained him several days at Fetteresso. Meanwhile the following declaration, dated at Commercy, was printed and dispersed publicly wherever his partisans had the power; and copies were dropped, during the night, in the streets of several loyal cities and towns:—

“James VIII. by the grace of God, of Scotland, England, France, and Ireland, king; defender of the faith; to all our loving subjects, of what degree or quality soever, greeting,—

“As we are firmly resolved never to lose an opportunity of asserting our undoubted title to the imperial crown of these realms, and of endeavouring to get the possession of that right which is devolved upon us by the law of God and man, so we must, in justice to the sentiments of our own hearts, declare that nothing in the world can give us so great satisfaction as to owe to the endeavours of our loyal subjects, both our own and their restoration to that happy settlement, which can alone deliver this church and nation from the calamities which they at present lie under, and those future miseries which may be the consequences of the present usurpation. During the life of our dear sister, of glorious memory, the happiness which our people enjoyed softened in some degree the hardship of our own fate; and we must confess that when we reflected on the goodness of her nature, and her in-



elination to justice, we could not but persuade ourself, that she intended to establish and perpetuate the peace which she had given to these kingdoms, by destroying for ever all competitions to the succession of the crown, and by securing to us at last the enjoyment of that inheritance out of which we had been so long kept; which her conscience must inform her was our due, and which her principles must bind her to desire that we might obtain.

"But since the time it pleased Almighty God to put a period to her life, and not to suffer us to throw ourself, as we then fully purposed to have done, upon our people, we have not been able to look upon the present condition of our kingdoms, or to consider their future prospect, without all the horror and indignation which ought to fill the breast of every Scotchman.

"We have beheld a foreign family, aliens to our country, distant in blood, and strangers even to our language, ascend the throne.

"We have seen the reins of government put into the hands of a faction, and that authority which was designed for the protection of all exercised by a few of the worst, to the oppression of the best and greatest number of our subjects. Our sister has not been allowed to rest in her grave, her name has been scurrilously abused, her glory, as far as in the people lay, insolently defaced, and her faithful servants inhumanly persecuted. A parliament has been procured, by the most unwarrantable influences and by the grossest corruptions, to serve the vilest ends; and they who ought to be the guardians of the liberties of the people, are become the instances of tyranny. Whilst the principal powers engaged in the late war enjoy the blessings of peace, and are attentive to discharge their debts and ease the people, Great Britain, in the midst of a peace, feels all the load of a war: new debts are contracted—new armies are raised at home—Dutch forces are brought into these kingdoms—and, by taking possession of the duchy of Bremen, in violation of the public faith, a door is opened by the usurper to let in an inundation of foreigners from abroad, and to reduce these nations to the state of a province—to one of the most inconsiderable provinces of the empire. These are some few of the many real evils into which these kingdoms have been betrayed, under pretences of being rescued and secured from dangers purely imaginary; and these are such consequences of abandoning the old

constitution, as we persuade ourselves very many of those who promote the present unjust and illegal settlement never intended. We observe, with the utmost satisfaction, that the generality of our subjects are awakened with a just sense of their danger, and that they show themselves disposed to take such measures as may effectually rescue them from that bondage which has, by the artifices of a few designing men, and by the concurrence of so many causes, been brought upon them.

"We adore the wisdom of the Divine Providence which has opened a way to our restoration, by the success of those very measures that were laid to disappoint us for ever; and we must earnestly conjure all our loving subjects not to suffer that spirit to faint or die away which has been so miraculously raised in all parts of the kingdom, but to pursue, with all the vigour and hopes which such a just and righteous cause ought to inspire, those methods which the finger of God seem to point out to them. We are come to take our part in all dangers and difficulties to which any of our subjects, from the greatest down to the meanest, may be exposed, on this important occasion; to relieve our subjects of Scotland from the hardships they groan under, on account of the late union; and to restore the kingdom to its ancient, free, and independent state.

"We have before our eyes the example of our royal grandfather, who fell a sacrifice to rebellion; and of our royal uncle, who, by a train of miracles, escaped the rage of the barbarous and bloodthirsty rebels, and lived to exercise his clemency towards those who had waged war against his father and himself, who had driven him to seek shelter in foreign lands, and who had even set a price upon his head.

"We see the same instances of cruelty renewed against us by men of the same principles, without any other reason than the consciousness of their own guilt, and the implacable malice of their own hearts; for, in the account of such men it is a sufficient crime to be born their king. But God forbid that we should tread in those steps, or that the cause of a lawful prince and an injured people should be carried on like that of usurpation and tyranny, and owe its support to assassins. We shall copy after the patterns above-mentioned, and be ready, with the former of our royal ancestors, to seal the cause of country, if such be the will of heaven, with our blood. But

we hope for better things—we hope, with the latter, to see our just rights, and those of the church and people of Scotland, once more settled in a free and independent Scots parliament, on the ancient foundation. To such a parliament, which we shall immediately call, shall we entirely refer both our and their interests, being sensible that these interests, rightly understood, are always the same. Let the evil, as well as the religious rights of all our subjects receive their confirmation in such a parliament; let consciences truly tender be indulged; let property of every kind be better than ever secured; let an act of general grace and amnesty, extinguish the fears of the most guilty, if possible; let the very remembrance of all that has preceded this happy moment be utterly blotted out, that our subjects may be united to us, and each other, in the strictest bonds of affection as well as interest. And that nothing may be omitted which is in our power to contribute to this desirable end, we do, by these presents, absolutely and effectually for us, our heirs and successors, pardon, remit, and discharge all crimes of high treason, misprision of treason, and all other crimes and offences whatsoever, done or committed against us or our royal father, of blessed memory, by any of our subjects, of what degree or quality soever, who shall at or after our landing, and before they engage in any action against us or our forces, from that time lay hold on mercy, and return to that duty and allegiance which they owe to us, their only rightful and lawful sovereign. By the joint endeavour of us and our parliaments, urged by these motives, and directed by these views, we may hope to see the peace and flourishing state of this kingdom, in a short time, restored. And we shall be equally forward to concert with our parliament such further measures as may be thought necessary for leaving the same to future generations.

“And we hereby require all sheriffs of shires, stewards of stewartries, or their deputies, and magistrates of burghs, to publish this our declaration immediately after it shall come to their hands, in the usual places and manner, under the pain of being proceeded against for failure thereof, and forfeiting the benefit of our general pardon. “Given under our sign manual and privy signet, at our court of Commerce, the 25th day of October, in the fifteenth year of our reign.”

While the pretender remained at Fetteresso, his time seems to have been chiefly taken up in receiving addresses from those who espoused his cause, among whom the foremost were the episcopal clergy of the diocese, whose address deserves to be given entire, as a curious monument of party spirit. It was on Thursday, the 29th of December, that the clergy addressed the chevalier in the following language:—

*“To the king's most excellent majesty; the humble address of the episcopal clergy of the diocese of Aberdeen.”*

“Sire,—We, your majesty's most faithful and dutiful subjects, the episcopal clergy of the diocese of Aberdeen, do, from our hearts, render thanks to Almighty God, for your majesty's safe and happy arrival into this your ancient kingdom of Scotland, where your royal presence was so much longed for, and so necessary to animate your loyal subjects, our noble and generous patriots, to go on with that invincible courage and resolution which they have hitherto so successfully exerted, for the recovery of the rights of their king and country, and to excite many others of your good subjects to join them, who only wanted this great encouragement. We hope and pray that God may open the eyes of such of your subjects as malicious and self-designing men have industriously blinded with prejudices against your majesty, as if the recovery of your just rights would ruin our religion, liberties, and property, which, by the overturning of these rights, have been highly encroached upon; and we are persuaded, that your majesty's justice and goodness will settle and secure those just privileges, to the conviction of your most malicious enemies. Almighty God has been pleased to train up your majesty from your infancy in the school of the cross, in which the Divine grace inspires the mind with true wisdom and virtue, and guards it against those false blandishments by which prosperity corrupts the heart: and as this school has sent forth the most illustrious princes, as Moses, Joseph, and David, so we hope the same infinitely wise and good God designs to make your majesty not only a blessing to your own kingdoms, and a true father of them, but also a great instrument of the general peace and good of mankind. Your princely virtues are such, that, in the esteem of the best judges, you are worthy to wear a crown, though you had not been born to it; which makes us confident, that



it will be your majesty's care to make your subjects a happy people, and so to secure them in their religion, liberties, and property, as to leave no just ground of distrust, and to unite us all in true christianity, according to the gospel of Jesus Christ, and the practice of the primitive christians. We adore the goodness of God, in preserving your majesty amidst the many dangers to which you have been exposed, notwithstanding the hellish contrivances formed against you, for encouraging assassins to murder your sacred person, a practice abhorred by the very heathens. May the same merciful providence continue still to protect your majesty, to prosper your arms, to turn the hearts of all the people towards you, to subdue those who resist your just pretensions, to establish you on the throne of your ancestors, to grant you a long and happy reign, to bless you with a royal progeny, and at last with an immortal crown of glory. And as it has been, still is, and shall be our care, to instil into the minds of the people true principles of loyalty to your majesty, so this is the earnest prayer of your majesty's most faithful, most dutiful, and most humble subjects and servants."

To this address the chevalier replied very briefly:—"I am very sensible of the zeal and loyalty you have expressed for me, and shall be glad to have an opportunity of giving you marks of my favour and protection."

The chevalier now assumed the regal authority by conferring titles of honour, as knighthood, nobility, and ecclesiastical dignities, on such as were zealous for him; and while at Fetteresso he rewarded these demonstrations in his favour by knighting the provost of Aberdeen and creating several lords and bishops.

Having at length recovered from his illness, the chevalier proceeded to Brechin on Monday, the 2nd of January, and remained there till Wednesday, when he went to Kinnaird; on Thursday he proceeded to Glames; and on Friday, at about eleven o'clock in the forenoon, he made his public entry, on horseback, into Dundee, the earl of Mar on his right, and the earl Marischal on his left, with a retinue of about three hundred horsemen. He remained about an hour in the market-place, where many of the people kissed his hand, and he proceeded thence to the house of Stuart of Garntully, where he dined and lodged that night. On Saturday he went from Dundee

to Castle-Lion, a seat of the earl of Strathmore, where he dined, and after to sir David Triplin's, where he lodged; and on Sunday, the 8th of January, he arrived at Scone, about two miles from Perth. On Monday, the 9th, he made his public entry into Perth, where he reviewed some of the soldiers quartered in the town, who were drawn out for the purpose, and returned the same night to Scone.

At Scone, on the 16th of January, 1716, the pretender named his council, which he opened with a speech which was immediately printed and distributed among his adherents. "I am now," he said, "on your repeated invitation, come among you. No other argument need be used of the great confidence I place in your loyalty and fidelity to me, which I entirely rely on. I believe you are already convinced of my good intentions to restore the ancient laws and liberty of the kingdom. If not, I am still ready to confirm to you the assurance of doing all that I can to give you satisfaction therein. The great discouragements which presented themselves were not sufficient to deter me from coming to put myself at the head of my faithful subjects who were in arms for me; and whatsoever shall ensue, I shall leave them no room for complaint that I have not done the utmost they could expect from me. Let those who forget their duty, and are negligent of their own good, be answerable for the worst that may happen. For me it will be no new thing if I am unfortunate. My whole life, even from my cradle, has been a series of misfortunes, and I am prepared—if it so please God—to suffer the threats of my enemies and yours. The preparations which are making against us will, I hope, quicken your resolution, and convince others from whom I have assurances, that it is now no time to dispute what they have to do. If otherwise they shall by their remissness be unmindful of their own safety, I shall take it as my greatest comfort that I have acquitted myself of whatever can be expected from me. I recommend to you what is necessary to be done in the present conjuncture, and, next to God, rely on your counsel and resolution."

The emptiness of his own promises and declarations, and of the high-sounding addresses of his adherents, were soon exhibited in the events which immediately followed. Instead of acting with energy, the pretender employed himself, while

at Seone, in issuing idle proclamations, one of which ordered a general thanksgiving for his safe arrival; another directed a form of prayer for him to be used in churches; a third made all foreign coin current in Scotland; a fourth called together a meeting of the estates; a fifth summoned all feneible men between sixteen and sixty years of age to repair to his standard; and a sixth announced that his coronation should take place on the 23rd of January. These proclamations were treated with ridicule, even among his friends, many of whom were highly offended at his reluctance to take the coronation oath, which obliged him to promise to support the established church; and this gave rise to so much discussion, that the day fixed for the coronation was adjourned. It was soon, indeed, apparent to everybody that the chief quality of the prince was his blind bigotry. He strictly banished all religious service by protestants from his household, which resounded with the paternosters and aves of his confessor, father Innes, while even the protestant bishops whom he had created himself were not allowed to say so much as a grace. By this he is said to have effectually cooled the zeal of the ladies of the episcopal party, who, under the delusion that if not a protestant he was at least very favourable to protestantism, had done much towards influencing their husbands to declare for him. His selfishness gave general disgust, when, on the 17th of January, he issued barbarous orders for laying waste the country between Dunblane and Perth, of which the following was one:—"JAMES REX.—Whereas, it is absolutely necessary for our service and the public safety, that the enemy should be as much incommoded as possible, especially upon their march towards us, if they should attempt anything against us or our forces, and as this can by no means be better effected than by destroying all the corn and forage which may serve to support them on their march, and burning the houses and villages which may be necessary for quartering the enemy, which nevertheless it is our meaning should only be done in case of absolute necessity, concerning which we have given our full instructions to James Graham, younger of Braeo: these are therefore ordering and requiring you, how soon this order shall be put into your hands by the said James Graham, forthwith, with the garrison under your command, to burn and destroy the

village of Auchterarder, and all the houses, corn, and forage whatsoever within the said town, so as they may be rendered entirely useless to the enemy. For doing whereof, this shall be to you, and all you employ in the execution hereof, a sufficient warrant. Given at our court of Seone, this 17th day of January, in the fifteenth year of our reign, 1715-16. By his majesty's command.—MAR. To colonel Patriek Graham, or the commanding officer, for the time, of our garrison for Tullibardine."

But while the pretender was thus wasting his time, the royalists had on the contrary began to act with greater activity. The duke of Argyle having ascertained that the last of the Dutch troops had passed the borders to join him, and that the great train of artillery which was shipped off at London for this expedition, was wind-bound in the mouth of the Thames, and seeing no prospect of a change of weather, demanded of the governor of Berwick to furnish him with as many great guns, as, with those that could be had in the castle of Edinburgh, might make a sufficient train; and on Wednesday, the 3rd of January, he sent brigadier Petit, a skilful engineer, to Edinburgh, with express orders to make up a train of twelve battering guns and six small field-pieces, to be added to the six three-pounders already in the camp at Stirling, with six mortars, making in all twenty-four pieces of cannon and six mortars. The Dutch and British troops furnished fifty men skilled in gunnery, who were added to the old Scots corps of gunners then at Stirling. Orders were likewise given to get what ammunition and other warlike stores would be necessary for the said train, and nine thousand men, either for siege or battle, in readiness with the utmost expedition, together with pontoons for crossing rivers, &c. On the 8th, general Cadogan was sent to Edinburgh to order the proper officers to press fifteen hundred horses to bring the artillery from Berwick, and next day he returned to Stirling, where a general council of war was held, at which the necessary resolutions were taken for the advance of the army.

On the 21st of January, colonel Guest, with two hundred dragoons, was detached from Stirling to reconnoitre the roads leading to Perth, which were covered with very deep snow, and to observe the posture of the enemy, and his advance created such an alarm, that the town of Perth was thrown



into the utmost confusion, which was increased by the country people who crowded in with the news that the duke of Argyle, with all his cavalry and four thousand foot mounted on horses, were in full march to attack the town. A party of horse, however, being sent to Tullibardine, brought back intelligence that all things were quiet, and that there was no appearance of the enemy. The rebels now made a great show of courage and resolution; the town of Perth was put in a state of defence; and they boasted publicly of their intention to fight the king's forces. Soon after, however, they were thrown into a new consternation, when the duke of Argyle sent general Cadogan with a strong detachment of horse and foot, to take post at Dunblane, and to send a party to Doune. The duke marched himself, on the 24th, to Dunblane with two hundred horse, and, taking thence general Cadogan with as many more, went to view the roads as far as Auchterarder. The rebels immediately abandoned their advanced posts, and retired behind the river Earn, where they gave out that they were resolved to rally and fight the king's army. The pretender now sent three thousand highlanders from Braço, Tullibardine, and other neighbouring garrisons, who, agreeably to his orders, burnt the towns and villages of Auchterarder, Crieff, Blackford, Dunning, and Muthil, with all the corn and forage they were able to carry away, the inhabitants being left exposed to the inclemency of the season, while some decrepid people and children, who were not able to escape, were actually burnt in their houses.

The same day the duke went to view the roads himself. There had been a sudden thaw, followed by a heavy fall of snow, to the depth of three feet, and immediately a severe frost, which rendered the roads almost impassable for the infantry, so that several of the officers urged that the march should be delayed till the weather improved; but the duke received positive orders from court to proceed forthwith against the rebels, and he resolved to surmount all difficulties, and to march as soon as the artillery, some of the Dutch forces at Edinburgh, and the regiments of Newton and Stanhope, quartered at Glasgow, could join him, which they did two or three days after. The train of artillery from Berwick, and some of that from Edinburgh, arrived at Stirling on the 26th; but the other pre-

parations were not completed till the 28th, on which day, colonel Borgard, with the English train, which had been detained by the stormy weather, arrived in Leith roads. Having been informed that sufficient artillery was already provided for that expedition, he left his artillery and stores on board, and hastened, with his company of engineers, to Stirling, where he arrived in the morning of the 29th, just in time to go along with the army. The duke of Argyle had ordered two or three hundred pioneers and workmen to be employed in clearing the roads of snow, and making them passable from Stirling to Dunblane, and from thence to Perth; and he commenced his march on Sunday, the 29th of January, reaching Dunblane the same day. The same morning a detachment of two hundred dragoons and four hundred foot, with two pieces of cannon, took the castle of Braço, twelve miles from Stirling, from the rebels, and next day they marched towards Tullibardine, to dislodge the rebels there and protect the inhabitants, who, to the amount of two thousand men, were employed in clearing the roads of snow. That day the army advanced to Auchterarder, where the soldiers were obliged to rest all night amongst the snow, without any covering, the rebels having left scarcely a habitation standing.

The intelligence of Argyle's advance put an effectual stop on the coronation of the pretender at Seone and the meeting of his parliament. He called a council to deliberate on the most prudent course to be taken, and he put the question, whether they ought to maintain the place and fight the duke of Argyle, or retreat? The officers and soldiers in general, especially the highlanders, were eager for fighting, and to satisfy them a warlike tone was assumed; but when it was known that the king's army had advanced to Auchterarder, the chevalier called a council of war, to which he recommended a retreat. The earl of Mar took the same view of their position, stating "that their chief dependence had been on the duke of Ormond's landing in England, as was concerted between his grace and himself, but his grace, after having met with many disappointments, had disembarked on the coast of England, but finding his friends so much discouraged that it was impossible to collect them, he had returned to France, where preparations were making for another descent on England, with such

power as would protect their friends. These things had brought the weight of the war on Scotland, and not only so, but had caused the succours which they expected from abroad to be stopped and reserved for the duke of Ormond's expedition, which was now in a state of great forwardness in the western parts of France." This proposal gave rise to much debate and altercation, till Mar, seeing he could not carry his point, and resolved not to hazard a battle, adjourned the council till next morning. A few hours afterwards, a select number being got together, Mar prevailed upon them to resolve upon a retreat, which they kept concealed from their followers, who supposed they only waited a more favourable opportunity of engaging the forces that pursued them. This they believed they would be able to do at Aberdeen, where they expected supplies from abroad. The pretender retired from Scone to Perth, where, having supped in provost Hay's, he rested some hours, and next morning with his army, abandoned Perth also. It is said that when he left Perth with the earl of Mar and adherents, he shed tears, complaining that "instead of bringing him a crown, they had brought him to his grave."

On that day the royal army advanced to Tullibardine, where the garrison, consisting of a captain and fifty men, at first resisted, but when the captain saw that preparations were making for attacking him with artillery, he surrendered at discretion, and he and the garrison were sent prisoners to Stirling. Immediately after the capture of Tullibardine, Argyle received intelligence from Perth that the rebels had abandoned that place and retired towards Dundee, on which he set out without delay, and, about one o'clock in the morning of the 1st of February, entered Perth with general Cadogan and the cavalry. The foot arrived about ten, and the rest of the army reached Perth the same evening. The town, however, had been already secured for the king; for colonel Alexander Campbell of Finab, and Campbell of Lawers, who had been stationed at Finlarig, in the earl of Breadalbane's territory, to prevent the disaffected in these parts from joining the rebel army, had come to Perth, with their own men and a detachment of highlanders, immediately after the chevalier left it, and found only a party of the rebels, who, being unwilling to part with the brandy of which they had drank plentifully, were in such a condition

as to be easily captured. The duke, on his arrival, sent these officers with their men to Dundee, to take possession of that important place, which also had been abandoned by the rebels. Before he left Stirling, Argyle had directed sir John Jennings, who commanded the ten frigates cruising in the Firth, to accompany his march, and having hoisted his flag on board the *Oxford*, 74, he sailed to the northward. The duke himself advanced to Errol, on the 2nd of February, with six squadrons of dragoons, three battalions, and eight hundred foot; and the next day he proceeded to Dundee, and was joined there by the rest of the army on the 4th. The rebels having retired from Dundee to Montrose, Argyle, on the 3rd, sent a detachment towards Aberborthwick, and, on the morning of the 4th, ordered major-general Sabine, with three battalions, five hundred foot, and fifty dragoons, to proceed to the same place, which is about eight miles from Montrose. The same day he dispatched colonel Clayton, with three hundred foot and fifty dragoons, by the way of Brechin, ordering each detachment to summon the country people to remove the snow from the roads. He formed the remainder of his army into two divisions, as he had heard that the rebel army had marched in two columns. General Cadogan arrived at Aberborthwick on the 5th, and the duke himself, with all the cavalry, proceeded by the upper road towards Brechin, intending to concentrate the whole of the army, next day, at Stonehive, and reach Aberdeen on the 6th, whither they supposed the chevalier had gone.

The chevalier was, however, at this time, out of their reach. When he learnt in Montrose, on the morning of the 4th, that part of the royal army was advancing towards Aberborthwick, he ordered the clans who remained with him to be ready to march, about eight at night, towards Aberdeen, where, he gave out, a considerable force would join them from France. At the hour appointed for their march, the chevalier directed his horse, and the horses of his attendants, to be brought before the door of the house in which he lodged, and the guard which usually attended him to mount, as if he intended to go on with the clans to Aberdeen; but he secretly left the house on foot, attended only by one of his domestics, and went to the earl of Mar's lodgings, whence they proceeded by a foot-



path to the water-side, where a boat was in readiness, which carried them to a French ship of about ninety tons' burden, called the *Maria Theresa*, of St. Maloes. Next morning, at a quarter after two, other boats carried the earl of Melfort and the lord Drummond, with lieutenant-general Sheldon, and ten other gentlemen, on board the same ship, which immediately put to sea, and escaping the English cruisers, reached Waldam, between Dunkirk and Calais, in seven days. The earls Marischal, Southesk, lord Tynemouth, general Gordon, and many other gentlemen and officers of distinction, were left behind to shift for themselves. They continued with the army, and led it towards Aberdeen; the foot marching first, under general Gordon, and the earl Marischal, with about one thousand horse, keeping the rear, to prevent surprise.

General Cadogan meanwhile hastened his march towards Montrose, where he arrived on the afternoon of the 5th, with the regiments of Wills, Egerton, and Clayton, and six hundred detached foot. The same night Argyle arrived at Brechin, within five miles of Montrose, with all the dragoons; and lieutenant-general Vanderbeck, who commanded the Dutch forces, lay with the foot at Aberborthwick. Next day they continued their march towards Aberdeen, where the duke, with fifty dragoons and four hundred foot, arrived on the 8th, and the rest of the king's forces arrived the same day, having compelled the garrison of Dunnottar to surrender. The same day that the royal army reached Montrose, the remainder of the rebels arrived at Aberdeen, under the command of general Gordon, according to a commission given to him by the pretender. On his arrival in Aberdeen, he called the officers together and communicated to them a letter from the chevalier, in which he acquainted them "that the disappointments he had met with, especially from abroad, had obliged him to leave that country; that he thanked them for their services, and desired them to advise with general Gordon, and consult their own security, either by keeping in a body or separating; and encouraging them to expect to hear further from him in a very short time." At the same time, general Gordon acquainted them, that they could expect no more pay; and, though he and the rest of their leaders were in the secret before they left Perth, and knew that the chevalier and Mar were gone, yet now they pretended to be in a

transport of anger and despair at their desertion. When the letter was read, many of the soldiers threw down their arms, exclaiming that "they were basely betrayed, they were all undone, they were left without king or general." On the 7th, in the morning, the van of the rebels marched from Aberdeen, and their rear followed about two in the afternoon. Their main body quartered in Old Meldrum that night. About two hundred of their horse, and a considerable number of their chiefs, with the Irish and other officers, who had come from France, went towards Peterhead, to embark in ships waiting there for them. The duke of Argyle, on his arrival at Aberdeen on the 8th, had sent major-general Sabine, with a party of foot, to Peterhead, and colonel Ker with a detachment of dragoons to support them; major-general Evans, with two hundred dragoons, and colonel Campbell, of Finab, with four hundred men, composing the advanced guard to the royal army, were also dispatched to intercept the horse of the rebels, if, finding they could not escape at Peterhead, they endeavoured to embark at Fraserburgh. Some of them, shipping at Peterhead, got safe to France; but the remainder were compelled to return, and reached Fraserburgh before general Evans, who, on his arrival there, captured the chevalier's physician. The rest of the party having gone to Banff, he sent colonel Campbell after them, with forty dragoons and four hundred foot. The duke having sent several of the forces in pursuit of the rebels as far as Murray, brigadier Grant came to Inverness, and he and lord Lovat established garrisons of their own men in Seaforth's house at Braham, Chisholm's house at Erchles, and Borlam's house at Borlam; while colonel Grant, who commanded an independent company, took possession of Castle Gordon, leaving a sufficient number of men to guard Inverness. Before he left Stirling, Argyle had sent a letter to the earl of Sutherland, desiring him to take measures for protecting Inverness from the insurgents, and he immediately communicated these orders to the chiefs of the king's friends in those parts, who assembled their men in haste, and the town was soon filled with volunteers, who remained there unmolested till relieved by the regular troops.

The rebel army had marched west, through Strathspey and Strathdon, to the hills of Badenoch, where they separated.

The foot dispersed into the mountains on this side of Lochy; the horse went to Lochaber, agreeing, however, to reassemble as soon as they had information to that effect from the chevalier. Learning that two French frigates were come to their relief and were riding at anchor in the Pentland Frith, lord Duffus, sir George Sinclair, general Eckline, and about a hundred and sixty gentlemen, took horse, and crossing the shire of Murray, came to the sea-side near Burgh, where they obtained boats, which conveyed them to the Orkneys, Arskerry, and other islands, whence most of them found means to escape to France. The rest were conveyed to Gottenburg, and many of them entered the service of the king of Sweden. Lord Duffus was subsequently apprehended in Hamburg, at the instance of the British envoy there, and delivered up to the British government. There still remained in Scotland many of the chiefs of the rebellion, including the marquis of Tullibardine, the earls Marischal, Southesk, and Seaforth, who, in spite of his submission, had joined them in their flight to the northward. Lord Tynemouth, sir Donald Maedonald, and other chiefs of the clans, concealed themselves for some time in the mountains, and several of them made their escape to the Isle of Skye, Lewis, and other of the north-western islands, where they remained till vessels arrived to convey them abroad. Some of them afterwards gave in their submission to the government.

The duke of Argyle now ordered four battalions of foot and a regiment of dragoons to march for Inverness on the 15th of February, and established his army in quarters for the remainder of the winter, and then, leaving the command to general Cadogan, he returned to Edinburgh on the 27th of February, and soon afterwards set off for London, where he arrived on the 6th of March.

Towards the end of February general Cadogan went to Inverness, resolving to march through the highlands with a body of the regular troops, to reduce the clans still in arms on the mountains. A detachment, under the command of colonel Cholmondely, was sent to the island of Lewis, where the earl of Seaforth, with brigadier Campbell of Ormundel, an old soldier newly arrived from Muscovy, and a considerable body of the rebels, were in arms. The colonel reduced the whole island in a very short time, and took brigadier Campbell

prisoner, his men having all abandoned him. He, standing on the spot where he had drawn them up to fight, scorning to turn his back, was taken in a charging posture. The earl escaped from the island and could not be found for a considerable time, till he appeared at his seat in the shire of Ross, where, however, he remained only a little, and made his escape to France. Another detachment, commanded by colonel Clayton, was sent to the Isle of Skye in search of sir Donald Maedonald, who went off to the Isle of Uist, and skulked there till he got on board a ship which carried him to France. About this time, three ships from France came too late with stores for the rebels, who were supposed to be still in arms. They arrived in the Western Islands, but, finding the gentlemen unwilling to venture the remains of their men against the regular troops when there was no prospect of success, they did not unload their cargo. Seventy-five gentlemen embarked in two of the ships, and made their escape to France. The third, which had fifty chests of small arms and one hundred and fifty barrels of powder on board, was captured by the *Lively*, one of the king's cruisers.

General Cadogan next caused proclamation to be made in the several parishes requiring the rebels to surrender themselves, and giving assurance that such of the common people as had been in the rebellion, but who now delivered up their arms to his majesty's forces, should have liberty to return home in safety, while those who stood out or retained their arms, would be reduced with extreme rigour. The common people in the lowlands immediately obeyed, and came in and gave up their arms; but some of the clans being obstinate, and refusing to submit, were pursued by his majesty's troops.

Parliament was assembled at the beginning of January, and its attention was immediately called to the troubles in Scotland. Both houses presented loyal addresses, and, on the 10th of January, the commons drew up an impeachment against the principal prisoners taken at Preston, the earls of Derwentwater, Nithsdale, Wintoun, and Carnwath, and the lords Widdrington, Kenmure, and Carnwath, who were brought to the bar of the house of lords, and the articles of impeachment exhibited against them by the commons were read. They were given to the 16th to prepare their defence, but as this was considered too short



a time, it was extended to Thursday, the 19th. Subsequently, the earl of Wintoun, at his own petition, was given till the 23rd. The others, at the day appointed, were brought from the Tower to the bar of the house of lords, where they severally pleaded guilty to the articles of their impeachment, and the 9th of February was appointed for pronouncing the sentence. In the interval, on the 21st of January, the king, coming to parliament to sign the bill for the suspension of the habeas corpus act, informed the houses that the pretender had arrived in Scotland. On the 19th, the prisoners were brought to the bar of the court erected in Westminster-hall, having the axe borne before them, as was usual in such cases. Being asked by the lord high steward what they had to say, why judgment should not be pronounced upon them, they severally pleaded the same excuse which they had made on the former occasion, namely, that they had entered upon their undertaking through inconsiderate rashness, and they begged the king's pardon, relying on his mercy, on which they were made to depend, at the time of their surrender. They further beseeched the noble peers and honourable commons to intercede with his majesty for mercy to them, promising, to the end of their lives, to pay the utmost duty and gratitude to his majesty, and to be his most dutiful and obedient subjects. The lord high steward, in reply, urged that the rashness and inconsideracy which they had pleaded in extenuation were rather to be considered as aggravating their crime, inasmuch as these had been the cause of so much confusion and bloodshed. "And now, my lords," added he, "nothing remains but that I pronounce upon you (and sorry I am that it falls to my lot to do it) that terrible sentence, the same that is usually given against the meanest offender in like circumstances. The most ignominious and painful parts of it are usually remitted, through the clemency of the crown, to persons of your quality; but the law, in this case, being blind to all distinctions of persons, requires I should pronounce the sentence adjudged by this court, which is, that you, James earl of Derwentwater, William lord Widdrington, William earl of Nithsdale, Robert earl of Carnwath, William viscount Kenmure, William lord Nairn, and every one of you, return to the prison of the Tower from which you came, thence you must be drawn to the place of execu-

tion; when there you must be hanged by the neck—not till you be dead; for you must be cut down alive, then your bowels taken out and burned before your faces. Your heads must be severed from your bodies, and your bodies divided into four quarters, to be at the king's disposal. And God Almighty be merciful to your souls."

Great intercessions were made for the unfortunate lords by their friends for obtaining their pardon, but in vain. On the 13th, the countess of Nithsdale and lady Nairn, having obtained admission into the palace of St. James's, concealed themselves behind a window-curtain in a room between the royal apartments and the drawing-room, and throwing themselves at the king's feet as he passed, importuned him to show mercy to their husbands. The king was much irritated at this irregular application; and one made subsequently, in a more regular manner, by the countess of Derwentwater, was equally ineffectual. On the 22nd, the house of lords, in consequence of the urgent appeals of the prisoners and their ladies, presented an address for relieving them, to which the king replied, "that on this, and all other occasions, he would do what he thought most consistent with the dignity of his crown and the safety of his people." Next day orders were signed in council for the execution of the earls of Derwentwater and Nithsdale and viscount Kenmure; but the others were relieved till the 7th of March.

That same night, the earl of Nithsdale, by the contrivance and assistance of his lady, made his escape from the Tower in disguise, and a coach being stationed at a short distance, he entered it, and was conveyed to lodgings in a retired part of the city, where he remained concealed till an opportunity was afforded of departing for the coast. He went to Dover with the coach of the ambassador of Venice, disguised as a livery servant, and embarking there he was safely landed in France. Lady Nithsdale remained in England some time unmolested, and then, having settled his affairs as well as she could, and thinking herself no longer safe, she followed her husband.

The earl of Derwentwater and viscount Kenmure were beheaded on Tower-hill on the 24th of February. The first made a speech on the scaffold, in which he begged pardon of those he might have scandalised by his pleading guilty at his trial, and declared that he was sensible that in this he

had made free with his loyalty, having never any other but king James III. for his rightful and lawful sovereign. And notwithstanding all he had said at his trial, to excuse his rising and taking arms, he declared he intended to serve his king (James) and country by it, hoping, by the example he gave, to have induced others to perform their duty. He died with firmness, professing the Roman catholic faith. Viscount Kenmure made no speech at the place of execution, but he left a letter addressed to the pretender, in which he declared his faithfulness to his cause, and his hopes for its success. He declared that he had ever lived, and would die, in the profession of the protestant religion, practised in the church governed by bishops.

The earl of Wintoun, when placed on his trial, pleaded not guilty, and, at his own request, further time was allowed him to prepare his defence. He was tried on the 15th of March, and was, as might be expected, found guilty. Sentence was pronounced upon him on Monday, the 19th, but he evaded the execution by escaping from the Tower. The earl of Carnwath, and lords Widdrington and Nairn, were reprieved.

Meanwhile a commission of oyer and terminer had been issued for trying those prisoners taken at Preston, who were left in Lancashire. The judges appointed for that purpose were Mr. baron Bury, Mr. justice Eyre, and Mr. baron Montague, who left London on the 4th of January, and reached Liverpool on the 11th. Next day the grand jury was summoned, and bills of indictment were found against forty-eight of the prisoners. Copies of the indictments were given to the prisoners, and the court adjourned for eight days, that they might have a reasonable time to prepare their defences. In the meantime other prisoners were brought from Lancaster and Chester to Liverpool, and the grand jury found bills against one hundred and thirteen more, of whom forty were Scotchmen. The trials began on the 20th of January, and lasted till the 9th of February; and of seventy-four who were tried, sixty-seven were found guilty and condemned, and seven only were acquitted. Five were ordered for execution at Preston on the 28th of January; seven on the 9th of February; seven more at Wigan on the 10th; and the same number at Manchester on the 11th. Three were executed at Liverpool, four at Garstang, and four

at Lancaster. The judges appointed neither time nor place for the execution of the rest; and a few were reprieved during his majesty's pleasure. Those who were not tried, seeing that the government was in good earnest with them, and being convinced of the absurdity of the notions they previously entertained, "that the king durst not take the life of one of them, and that the government would not attempt a process against so great a number," joined in a humble petition to the court, acknowledging their guilt, and begging that their sentence might be commuted for transportation. This was granted, and on the 10th of February, the judges departed for London, leaving the prisoners to be sold to the merchants of Liverpool, for transportation to the plantations of America.

The law required that the prisoners taken at Preston, who had been brought to London and lodged in the Marshalsea, Newgate, and the Fleet, should be returned to Lancashire to take their trial in the county where their crimes were committed. As this could not be done without considerable expense and trouble, a bill was passed for their "more speedy trial," by which a court was constituted in Southwark for the trial of those confined in the Marshalsea, and a commission ordered to try those in Newgate and the Fleet at the court of common pleas in Westminster. Next day the commission for the trials in Westminster met, and bills of indictment for high treason were prepared against Thomas Forster, the rebel general, with brigadier Mackintosh of Borlaim, and William Shaftoe, Robert Talbot, colonel Henry Oxburgh, Charles Wogan, and others to the number of twenty, and a week was given them to prepare their defences. In this interval, on the night of the 10th, Forster contrived to make his escape out of Newgate, and he reached France in safety within the following day; so that it was in vain a proclamation was published offering a thousand pounds reward for his apprehension. When the court proceeded to the trial of the rest they pleaded not guilty, and, on a petition for further time to prepare their defence, were allowed three weeks. This time they also employed in making preparations for their escape, and on the 4th of May, about eleven at night, brigadier Mackintosh with fifteen others, broke out of their confinement, knocked down the keeper of Newgate and the underturnkey, and having taken the keys from



the latter, let themselves out. Some of them, however, mistaking the streets, were retaken, but the principal rebels escaped. A proclamation was immediately issued offering a thousand pounds reward for the apprehension of Mackintosh, and five hundred for each of the others, but they could not be discovered. On the 7th, fourteen more were arraigned, who pleaded not guilty, and had time allowed to prepare their defences. The court now proceeded with those who were formerly indicted, and beginning with Henry Oxburgh, found him guilty, and sentenced him to be executed on the 11th at Tyburn, and his head was set up on Temple-bar. On the 16th, the court sat again, when Thomas Hall of Otterburn, and Robert Talbot, were tried and found guilty. Soon after, Gascoigne and others were tried, and similarly found guilty. On the 18th of May four others were tried; one of them pleaded guilty, and the other three were found so by the jury. They were all reprieved except Gascoigne, who was executed at Tyburn.

The court in Southwark began its work on the 10th of April, and the trials there continued into the month of July. On the 4th of the last-mentioned month the court met again at Westminster, and about thirty were brought on their trial. Most of them pleaded guilty, and others were found so by the jury. Among the former of these was Mr. Paul, a clergyman; and of the latter, James Menzies of Culdare, who pleaded the king's pardon, in regard of his peculiar case, those who drew him into the rebellion being about to possess his estate. The British parliament had, at the beginning of these proceedings, passed bills of attainder against the earls of Mar, Linlithgow, Marischal, Scaforth, Southesk, Panmure, the marquis of Tullibardine, lord Drummond, and some other chiefs of the rebellion in Scotland, which received the royal assent on the 7th of May; and about the end of the session, bills of attainder were passed against general Forster and brigadier Mackintosh, and a bill for more effectually securing the peace of the highlands in Scotland by disarming the people, &c., and another for appointing commissioners to inquire into those estates which were forfeited by the rebellion, which the king had promised to give up for the public service.

Having prorogued the parliament, the king departed for the continent. Before his departure he appointed general Car-

penter commander-in-chief of all the forces in Scotland; lord Lovat, for his good services in recovering that place from the rebels, governor of Inverness; the earl of Sutherland, president of the chamberlainry in Scotland; and he left the prince of Wales regent during his absence. The state prisoners remained in the confident expectation of a free pardon, yet to everybody's surprise, on the night of the 8th, after the prince had opened his commission in council, a warrant was signed for executing twenty-four of them on the following Friday. With an inexcusable refinement of cruelty, after leaving them without hope of life till the day before that fixed for the execution, a reprieve was then given for twenty-two of them. Paul the clergyman, and Hall of Otterburn, were executed on the day appointed, the 13th of July, 1716. At the place of execution each of them read a declaration renouncing communion with the church of England, and owning they died members of the nonjuring church there, praying for the restoration of the chevalier, under the name of king James, and exhorting the people to be obedient to him as their only lawful sovereign.

On the 24th of June, when the act suspending the habeas corpus bill expired, the earl of Scarsdale, lords Duplin, Powis, and several private gentlemen, availed themselves of it, and were admitted to bail. In a short time after, sir William Windham, Mr. Harvey of Comb, Mr. Lockhart of Carnwath, the earls of Wigton and Hume, and several others, both in England and Scotland, who had been taken into custody as suspected persons when the rebellion broke out, took likewise the benefit of the habeas corpus act. A general order was likewise issued for the liberation, without bail, of all those who surrendered, according to the summons, before the rebellion, and those who deserted from the rebels before their retreat from Perth; and for discharging all the servants who were prisoners with their masters in London. The marquis of Huntley, Glengarry, Mr. Douglas, Ogilvy, and some others in Scotland, obtained their full pardon in regard of their having quitted the rebels in time. Some at London were liberated before trial, and others reprieved.

The prisoners taken at Dunblane and Dunfermline, and such as had surrendered themselves to the government at the termination of the rebellion, and were prisoners in the castles of Edinburgh, Stirling, and

Blackness, were conveyed to Carlisle, to be tried by a commission of oyer and terminer, appointed to sit there in November, 1716. Thirty-four prisoners were set at liberty, without being brought to trial; and one of these, John Paton of Grandham, is said to have delivered a speech, in which he said, "he had oftentimes heard of, but now felt, to his utmost joy and gratitude, the king's great generosity; and that eye had not seen, nor ear heard, the like before; but that he

and others were living witnesses thereof, which he said for himself, and he thought all the rest would assent to it, wishing his majesty and royal issue long life, and that he might ever be the darling of his people." Thirty-two of the prisoners being brought on their trial, pleaded guilty, and twenty-four of them received sentence of death, but no day was appointed for their execution. The rest were never sentenced, and all were finally set at liberty by a bill of indemnity.

## CHAPTER V.

FROM THE SUPPRESSION OF THE REBELLION IN 1715 TO THE DEATH OF GEORGE I.

THE alarm and excitement of the rebellion were succeeded by a calm, and for a time the domestic history of Scotland is hardly anything more than that of its church, which had reaped considerable advantage from the imprudent disloyalty of its episcopalian opponents. As its fortunes rose, however, the Scottish church began to be torn by its internal divisions, and much of the time of the general assembly which met in 1716 was taken up with discussions on doctrines of which the orthodox disapproved. The principal object of the disapprobation of the assembly on this occasion was a Mr. Simpson, professor of divinity in the college at Glasgow, who was accused not only of Arminianism, but of jesuitism and socinianism. His case was left undecided at the end of the session, and was renewed in the general assembly of 1717. After much disputation and struggling between the two parties in the kirk, the rigid Calvinists and those who were more indulgent to Arminianism, Simpson escaped with a slight reproof, and a prohibition from publishing in future certain "hypotheses" which were not orthodox. At the same time the presbytery of Auchterarder was rebuked because, in their zeal for Calvinism, they had deprived of a license to preach a Mr. Craig, because he would not subscribe to a proposition which was at least very equivocally worded.

The services of the duke of Argyle and his brother the earl of Islay in repressing the rebellion, seem to have met with an

ungrateful return, for we find them in the following year under the displeasure of the king, who deprived them both of their offices. That of commander-in-chief in Scotland was given to general Carpenter; while the earl of Islay's office of justice-general was conferred on the duke of Montrose. This proceeding gave new hopes to the jacobites, who were for the while able only to intrigue abroad, but who imagined that Argyle and his brother might now be brought over to their party. A quarrel between the British monarch and Charles XII. of Sweden offered them the opportunity of a new intrigue, and that king made secret preparations for assembling a large force at Gottenburg, which was to be landed in Scotland for the purpose of raising the pretender to the throne of Great Britain. The indiscreet conduct of the pretender soon revealed the secret, and king George (who was at this time in Hanover) hastened back to England, and caused the Swedish resident in London, count Gyllenburgh, to be placed under arrest, and his papers seized. A protest was entered against this breach of the usual law of nations by the other foreign ministers in London; yet this did not hinder the estates of Holland from following the example of the English court, and baron Gortz, the Swedish minister there, was also arrested. The papers of the two ministers, which were laid before parliament and printed, revealed the whole of the plot for raising a new rebellion in Scotland. The



king of Sweden now proceeded openly in his design, in which he was joined by Peter the Great of Russia and by the king of Spain, under the influence of cardinal Alberoni, who both declared their intention to support the cause of the pretender. Against this confederacy, king George entered into a treaty with France and Holland, which was followed by a declaration of war.

This plot received very little assistance in Scotland, where the jacobites were depressed and crippled by the consequences of their late insurrection, while their chiefs were in prison, many of them under sentence of death. More than one attempt by the earl of Mar to obtain a contribution from them for the objects of the Swedish design failed, yet the English government gave new cause of discontent by the method in which they disposed of the forfeited estates. Much of the lands of the attainted rebels was in the hands of creditors, by the old process of the law of Scotland, which provided that no conviction or attainder should exclude the right of any creditor remaining peaceable from his just debts, if the latter were contracted before the commission of the crimes. As might be expected, many such claims were collusive, and were set up by friends or relations of the condemned; but the judges of the court of session, who felt compassion for the sufferers, approved them all, and factors were appointed to receive the rents of the most considerable of those estates which they sequestered for that purpose. The court had appointed commissioners for managing the forfeited estates, who had summoned these factors to pay the proceeds of the estates into the exchequer; but the factors refused obedience, alleging the authority of the court of session, and the court, when petitioned by the commissioners to withdraw the sequestration, also refused, pleading the law of Scotland. The barons of the exchequer, likewise, declined interposing. As the only means of escaping from this difficulty, a bill was brought into the parliament which met in the November of 1717, which provided that all the forfeited estates should be vested in trustees, who were to sell them for the use of the public, to determine the claims of the lawful creditors, and to pursue measures for bringing more effectually into the exchequer the rents and profits of the estates to be so sold. This bill was obstinately resisted by some of the Scottish members, who urged that it was a direct infraction of the act of

union; and, as the great mass of the landholders engaged in the late rebellion were in embarrassed circumstances, few of the estates, if sold, would have paid their debts. The consequence was the complete or partial ruin of many who had hitherto been steady in their loyalty, some of whom were thus driven to join the enemies of the government, and eventually to run into desperate courses. The danger of this measure was earnestly pointed out to sir Robert Walpole by Duncan Forbes.

The czar of Russia appears to have taken no very active steps to assist the pretender, and before the end of the year 1718, the death of Charles XII. relieved the English government from all further fears on the side of Sweden. But Alberoni, who had embraced the cause of the pretender with great zeal, pursued his intrigues and resolved to be the instrument of restoring the dynasty of the Stuarts, and with it the Roman catholic religion, to Britain. With this object, at the close of the year 1718, he invited the duke of Ormond to Spain, for the purpose of concerting a plan of invasion. Soon afterwards the pretender himself was brought from Italy to Rosas, in Catalonia, from whence he was conducted under an escort of guards to Madrid, where he arrived on the 26th of March, and he was there lodged in one of the royal palaces, and acknowledged and treated by the whole court as king of Great Britain. The squadron, which had been fitted out for the invasion of the British dominions, under the conduct of the duke of Ormond, was waiting at Cadiz for orders to sail, and it put to sea immediately after the arrival of the pretender at the Spanish court, but a violent storm which it encountered off Cape Finisterre, and which lasted two days, dispersed it, and caused so much damage, that it was obliged to return to Spain. Thus the design of the expedition itself was defeated. Two frigates alone made their way to Scotland, and reached Kintail in Ross-shire on the 16th of April, where the earls of Marischal and Seaforth, and the marquis of Tullibardine, who were on board these ships, landed with three hundred and seven Spaniards and arms for two thousand men. The Spanish officer, disappointed at the small number of partisans who appeared to join them, was only induced to land by the urgent entreaties of the Scottish nobles. They first took possession of Donan castle, where they left a garrison of fifty men, and

the rest, having been joined by a small body of highlanders, marched to the pass of Glenshiel, where they determined to wait for the result of the exertions of their friends to raise the highlands. But the news of the arrival of the Spaniards soon spread abroad, and general Wightman, who was stationed at Inverness, was dispatched with a detachment of troops in pursuit of them. But as no communication had been made to the Scots before the expedition started, they were entirely unprepared for a rising, while, as the Jacobites in Scotland had resolved not to declare themselves until they were assured that Ormond had landed with the whole force placed under his command, they were not likely to be drawn out by such a trifling demonstration as this. Accordingly, the invaders remained without receiving any material accession to their forces, until general Wightman approached, when the highlanders withdrew to Strachall, which was a more favourable position for resisting Wightman, as they were secure from the attack of cavalry. They held this position about three hours against the king's troops, and only abandoned it upon the approach of the artillery, when they dispersed among the mountains, keeping up for some time a running-fight with their pursuers. The king's troops had in this engagement twenty-one killed, and upwards of a hundred and twenty wounded. The loss of the highlanders was never known, but they carried off the earl of Seaforth and the marquis of Tullibardine among their wounded. The Spaniards had taken no part in the engagement, but remained at Glenshiel, where next day they surrendered at discretion.

In the parliament, which was sitting at the time of this weak attempt at invasion, a bill was brought in for placing certain restrictions on the royal prerogative with regard to the creation of peers of Great Britain, and for changing the system of the Scottish representation in the upper house. The proposals with regard to Scotland were, that instead of the sixteen elective peers to sit in the house of lords on the part of Scotland, twenty-five peers, to be elected by the king, should have hereditary seats in parliament, and be the peers on the part of the peerage of Scotland; that such twenty-five peers should be declared by his majesty before the next session of parliament; that nine of the said twenty-five should be appointed by his majesty to have immediate

right to such hereditary seats in parliament, subject to the qualifications requisite by the laws now in being; that none of the remaining sixteen so to be declared by the king or his heirs, should become sitting peers of the parliament of Great Britain, till after the termination of the parliament then existing, except such as were of the number of the sixteen peers then sitting in parliament on the part of Scotland and their heirs; that if any of the twenty-five peers so to be declared by the king, and their heirs, should fail, some one or other of the peers of Scotland should be appointed by the king, his heirs and successors, to succeed any peer so failing, and that every peer so appointed should be one of the peers on the part of the peerage of Scotland in the parliament of Great Britain, and so *toties quoties* as often as any such failure shall happen; that the hereditary right of sitting in parliament, which should accrue to the twenty-five peers of Scotland to be declared by the king, should be so limited as not to descend to females. This proposal met with violent opposition in the commons, and public opinion appeared to be so decidedly against it, that it was withdrawn after a second reading in the house of lords. In the next session, however, it was brought forward again, and was carried through the house of lords by a large majority, but it was thrown out by the commons.

In the midst of the political calm which now seemed to reign throughout Scotland, Lockhart of Carnwath, the staunch advocate of the exiled dynasty, hit upon a plan for giving that organisation to his party the want of which had often been the cause of disaster. He proposed to do this by the formation of a secret committee in Edinburgh, by which all his plans in Scotland were to be directed, and he was to give them full powers to overlook and direct his affairs in Scotland as they should judge from circumstances might be most beneficial to his cause. The plan was approved by the titular bishop of Edinburgh, who was considered as the head of the Scottish episcopalian party, and was communicated to the pretender; but James, with characteristic folly and in his jealousy of a prerogative of which he was not in possession, agreed to the committee, but refused to delegate to them the powers they required. James named on this committee, under the title of trustees, with the bishop and Lockhart, the earls of



Eglinton and Wigton, the lord Balmerino, Paterson of Preston-hall, captain Straiton, Henry Maule, lord Dum, Fotheringham of Powrie, and the laird of Glengarry. Meanwhile the bishop of Edinburgh died, and the college of bishops proceeded to supply the see, the holder of which was now considered by the noneconforming episcopalians as their primate. Their choice fell upon a man named Fullarton, who appeared to have been a zealous jacobite, for he was at once approved, and added to the list of trustees, by the pretender; who, however, returned a letter which implied a rebuke of the Scottish bishops for having dared to proceed to the election of a bishop without waiting for his orders. He said that, with regard to future promotions, he should consider it equally for his service and the good of their church, if, notwithstanding the distance between them, they proposed to him before proceeding to consecrate them, such persons as they might think worthy to be raised to the dignity of bishops, promising to pay every attention to their wishes. This was followed not long after by a mandate from himself, without having had any communication with the college of bishops, ordering them to receive as a bishop by his nomination, a Mr. Freebairn, a man who, according to the opinion expressed by them, was not "adorned with those qualifications of learning, good sense, and the like, so necessary in one of that station; besides, he was in no reputation either among clergy or laity." The college objected to James's nominee, and a dispute arose which helped to sow division among the party. James seems, indeed, to have possessed especial talent for dividing his friends, and he constantly took into his favour men without worth or capacity, and threw aside those who had risked and lost everything in their devotion for him. About the time of this dispute concerning the bishops, the earl of Mar, Seaforth, and the other chiefs of the rebellion who had escaped, were treated with more than neglect at the pretender's court, while Mr. Murray, whose chief recommendation was his servility, was taken into the ex-royal favour. Under his influence, the little discretion which had ever been found in the pretender's household was thrown aside, and even the jacobite committee in Edinburgh, which was to have been kept a profound secret, was blazoned abroad. Under these circumstances, the principal of the jacobite leaders abroad and at home, dis-

gusted with the ingratitude which had been shown to them for their services, and alarmed at the danger to which they were exposed by the indiscretions of the pretender's favourites, began to look out for opportunities of deserting his service and making their peace with the government of king George.

For two or three years after these events, the history of Scotland presents no feature of interest. For a part of this time the mind of the public throughout the whole island was chiefly occupied with the excitement of the South Sea scheme. The kirk was employed in a religious dispute of some violence, which divided the presbyterians into two parties. This dispute arose chiefly out of the publication of a new edition of a book, entitled *The Marrow of Modern Divinity*, written at Oxford by an English scholar, Edward Fisher, and first published in the year 1646. This book had been much praised by some of the most eminent of the Westminster divines, and a copy now falling into the hands of some of the ministers of what was called the evangelical party of the Scottish church, it was reprinted, with a recommendatory preface by Mr. James Hogg, minister of Carnock. The book had no sooner appeared in its new shape, than it was attacked violently by Haddow, principal of the new college at St. Andrews, who was looked upon as a leader of the other party in the kirk, and who stigmatised Fisher's doctrines as Antinomian. The discussion which followed caused the question to be brought under the notice of the general assembly in 1719, when a committee was appointed to examine the book. This they did in a very partial manner, and stringing together a number of disjointed passages, they gave a report so unfavourable to it, that, in May, 1720, the general assembly made an act prohibiting all ministers from recommending the book in any way, or saying anything in favour of it. The ministers of the evangelical party were extremely dissatisfied at this act, one consequence of which, however, was, that the book in question was much more extensively read than before. A certain number of ministers joined in a representation to the general assembly of 1721, stating their objections to the act of the assembly of the previous year, and praying for its repeal. This assembly was dissolved abruptly, in consequence of the illness of the earl of Rothes, the king's commissioner, and the

matter was left in the hands of the ordinary commission of the assembly, who held several conferences with the representers, as those who signed the representation were termed. Neither party, however, was willing to yield, and these conferences ended in the commissioners giving four questions to the representers, to which they required full and explicit answers. These were given; but the answers were never properly read to the assembly, which, in the following year, issued another act, confirming and explaining the former one, and caused the representers to be admonished and rebuked by the moderator. The representers presented a protest, which was not allowed to be read. They had already printed their answers to the queries of the commissioners, which were circulated and read with great eagerness. They presented a complete justification, and have been praised by subsequent divines for their soundness of theological doctrine.

The election of a new parliament in 1722, was the first occasion on which the jacobites showed any revival of activity, and it was very ineffective. The whig party everywhere carried the day, and in almost every instance the elections passed over with quietness. Hitherto, even the zeal and ability of Loekhart of Carnwath, the only leader of the jacobites at home who did not despair, had not been successful in bringing about any new combination of intrigues, and the recent changes in the political relations of the continental states, had deprived the pretender of all hopes of active support from any of them. Nevertheless, the pretender's petty court was busy originating new intrigues, and another plot was set a-going, in which two or three English noblemen were implicated. When the new parliament met in October, the king laid a statement of this plot before them, accompanied with papers, &c., relating to it. The most remarkable of these papers was a declaration of the pretender, as James III., king of England, Scotland, and Ireland, and addressed "to all his loving subjects of the three nations, and to all foreign princes and states," and its avowed object was to effect a lasting peace in Europe. The pretender's very singular proposal was, that king George should resign to him the possession of the throne of Great Britain, in consideration of which he stipulated to secure to him his hereditary dominions in Germany, suggesting "that in Hanover his incontestible right to the crown

would free him from the crime and the reproach of tyranny," and he represented "the delight of a calm undisturbed reign over a willing people, contrasted with a restless possession in a strange land, where authority forcing the inclination of the folks, could only be supported by blood and violence, eternally subject to fears and alarms." The house of lords passed a strong vote against this declaration, and it was ordered to be burnt by the common hangman. So great was the real, or pretended, apprehension of the court, that a camp was established in Hyde-park, and other rather ostentatious preparations for defence were made. Among the persons arrested were three noblemen, the duke of Norfolk, the lord North and Grey, and the lord Orrery; and Atterbury, bishop of Rochester, was tried and eventually condemned to perpetual imprisonment, which he exchanged for exile. These proceedings were accompanied with some rather oppressive measures against the Roman catholics. A bill was brought in and passed for raising a hundred thousand pounds upon their estates, for defraying the extraordinary expenses caused by the precautions against the jacobite plot; and another, obliging all persons, being papists, in Scotland, and all persons in Great Britain who did not take the oaths appointed for the security of the existing government, to register their names and real estates. This measure acted as a further check upon any activity of the jacobite party in Scotland.

The period of tranquillity which followed offered an opportunity for various attempts to improve the agriculture of Scotland, which had been in a very low state, caused in a great measure by the impediments thrown in the way of improvement by the old feudal tenures. In the year 1723, a society for the improvement of agriculture was formed at Edinburgh, which included the names of most of the leading men of the country. It held its first meeting on the 23rd of July, at Grey's house, Hope-park, and exhibited an abundance of zeal in promoting the object for which it was founded, but the difficulties it had to contend with were not easily overcome. Moreover, in the south, circumstances had caused a revolution in the system of farming, which was producing considerable distress. The high price which Scottish beeves fetched in the English market, rendered them far more profitable than the ordinary cultivation of the land;



and many of the landholders in Galloway broke up the small farms into which their estates had formerly been divided, and formed them into immense pastures, which were inclosed with fences, to keep the herds from mixing. To effect this change it was necessary to eject the small farmers, who, with their families, were thrown upon the world without a roof to cover them, and with no means of gaining a livelihood. It was observed that the jacobite landlords did all they could to increase the general distress, hoping to profit by the popular discontent. This revolution had been going on gradually for some time, but it was in this year carried to a much greater extent than before. Notices to quit their farms at Whitsuntide, 1724, had been given to so many, that in some instances the number is said to have amounted to as many as sixty in one parish; and their distress was so great that, driven to despair by the cries of their women and children, they rose simultaneously in Galloway, and proceeded to destroy the inclosures. They drew up and published a declaration of the causes which had impelled them to rise, in which they represented that "it was neither from motives of rebellion to the king's person, government, or succession, nor to break the bonds which God had appointed and the law of nature taught to be due from inferiors to superiors; neither was it to aspire to any higher station than what by the good providence of God pertained to them formerly, that they resisted. But they had thrown down some of these depopulating inclosures, as contrary to the word of God, which forbids all oppression; as dishonourable to the king, as if he, after having delivered them from the tyranny of foreign enemies, should leave them to be beggared and borne down by their fellow-subjects; and as destructive of the strength of the kingdom, by allowing whole baronies and country sides to be laid waste for the private interest of a few particular men." The sufferers on this occasion represented that portion of the population in which the presbyterian church had found the most constant support; yet the general assembly pronounced against their proceedings, and issued to them an "obtestation," urging them "to desist from such practices in time coming, and live quietly and orderly, in submission to the laws of the land and to their rulers, who are the ordinance of God." The assembly at the same time interceded with the landlords, wishing them

"to use the greatest tenderness towards a misled poor people, in order to reduce them to their duty." This, however, was done in the usual way by calling in the military and dispersing the rioters; and multitudes of unfortunate people were compelled to abandon their homes, of which their fathers had, in some cases, been tenants through many generations.

In other parts of the country, the corn-farms had their grievances and discontents also, and to these was added at this moment a resolution of the house of commons for laying an additional duty of sixpence per barrel on ale brewed in Scotland, instead of the malt-tax; and for taking away the bounty allowed upon the exportation of grain. At this time the corn-produce of Scotland was much larger than its home consumption, or than what was required by the foreign market, and various expedients had been proposed to correct the evil, among which one was to drink ale and Scottish-made spirits instead of foreign liquors. This new measure of parliament, therefore, threatened very ruinous consequences, and public meetings were held in the farming districts and elsewhere, and petitions sent to parliament against the bill, which was represented to be contrary to the act of union. Hitherto, although the Scots were liable to the malt-tax, it had been by agreement not imposed upon them; but the petitioners now said that, if it were necessary to raise additional supplies, they would prefer the malt-tax to the tax upon ale. The ministers yielded to these representations, and agreed to withdraw the project of a duty upon ale, for which they substituted a tax upon malt, rating it at one-half of that which the English paid, in consideration of the inferiority of the Scottish grain. This measure, after all, was far from giving universal satisfaction, and the brewers especially, who were generally maltsters at the same time, were strongly opposed to the tax upon malt. Those of Edinburgh applied to the court of session, and obtained an act allowing them to raise slightly the price of ale, so that the burthen would have been thrown upon the consumers; but in the meanwhile delegates from the brewers in different parts of the country arrived in Edinburgh to confer with the brewers there on a plan of evading the payment of the tax, and thus forcing the government to withdraw it. Their plan was, to enter their malt to avoid the penalty, but to desist from brewing, by

which they would avoid the tax. It was said that this plan, and the association to carry it out, were the secret work of the jacobites; and to them also has been attributed the industrious dissemination of a report that all the royal burghs in Scotland had associated together to refuse the malt-tax, which produced some disastrous events in the west.

The act was to take effect on the 23rd of June, 1725, and for some time before that day arrived there were rumours abroad in Glasgow that the resistance to the collectors would commence in that city, and that the house of their representative, Campbell of Shawfield, who had not opposed the tax in parliament, would be attacked. Although these rumours were in the mouth of everybody, and general Wade had sent two companies of soldiers to assist in case of disturbance, the magistrates adopted no precautions for securing the peace, and two of them left the town under circumstances which led to the belief that they did so by design. When the day arrived, the collectors, who were proceeding to survey the stock of malt on hand, found the streets so enumbered by the mob that they considered it unsafe to demand admittance anywhere, without some efficient support, and made demand for the military. The same symptoms appeared next day, and the military were ordered into the town. When this was known, the mob entered the guard-room, turned out the town officers who were preparing it for the reception of the soldiers, and after locking the doors carried away the keys. The troops soon afterwards arrived, under the command of captain Bushel, who drew them up in the street, and proposed to the provost, whose name was Miller, to break open the doors and enter the guard-room. But the provost pretended that this would only irritate the mob, without need, and he proposed to captain Bushel to send the soldiers into quarters; and to this, as it was raining and they were weary with a long march, the captain agreed. The provost, with the dean of guild, and some others, remained in the town-house till nine o'clock at night, and then adjourned to an adjoining tavern. About ten, news arrived that the mob had reassembled, and that they were attacking the house of Campbell of Shawfield. The magistrates immediately proceeded to the spot, which was at the farther extremity of the town, and found there a tumultuous assemblage of persons

armed with hammers and weapons of different kinds, and trying to break into the house. On the arrival of the magistrates they desisted for a moment, but having received reinforcements, they became more furious, and renewed the attack. At midnight, captain Bushel, informed of what was going on, offered the magistrates the assistance of the military, which was declined on the ground that as they were scattered singly in houses at a distance from each other, they could not be brought together safely for themselves. The mob were thus left completely masters, and they soon gutted the house, drunk the wines in the cellar, broke the windows and doors, and even the floors, and tore to pieces and destroyed the ornamental gardens.

After this work of destruction was completed, the mob dispersed, and next morning the streets presented a more peaceful appearance. The provost now took courage, and, breaking open the doors of the guard-house, gave possession of it to captain Bushel and his troops. He at the same time caused several of the principal rioters to be arrested and thrown into prison. This last act seems especially to have irritated the populace, and soon after it was known, a woman, or, as it was generally believed, a man in woman's clothes, was seen parading the streets with a drum. The mob, many of whom were drunk, immediately began to reassemble, and an immense crowd was soon collected, which proceeded directly to the guard-house, and there, according to the most trustworthy accounts of this affair, commenced a violent attack upon the soldiery with stones and brickbats. The troops fired with blank cartridge, but as this did not intimidate the mob, they were constrained at last to make use of ball, and a few of their assailants were killed or wounded. This only increased the fury of the rioters, who rushed to the town-house and, breaking open the doors, seized upon the arms which were there in store. They then rang the alarm-bell, and prepared to renew the attack upon the soldiers. The magistrates, whose chief fault appears to have been absolute incapacity, now lost their courage, and to avoid further mischief, the provost sent a message to captain Bushel, entreating him to leave the town, both for the safety of his own men, and as the only means of restoring tranquillity to the city. The captain's orders were to obey the provost, and he therefore had no alternative,



but marched out of the town and proceeded to Dumbarton. On his way he was followed about six miles by the mob, who pressed upon the soldiers so closely, that they were repeatedly obliged to turn back and fire, by which some of their pursuers were killed and wounded. Two of the soldiers were so roughly handled, that they were unable to keep up with their companions, but fell into the hands of the mob, and were carried back in triumph to Glasgow. There one of them escaped, and it must be recorded to the credit of the populace that the other, instead of being further ill-treated, was carefully nursed until he was able to rejoin his regiment.

It happened fortunately for the preservation of order, that general Wade was then in Edinburgh, though the troops were not in immediate condition for active service, and the horses of the cavalry, as was the custom at that time when they were not on service, were sent out to grass. However, without delay, he mounted two regiments of dragoons, and with these, a strong body of foot, and a train of artillery, he hastened to Glasgow. He was accompanied by the well-known Duncan Forbes, who, holding the office of king's advocate, went to take legal precognition of the circumstances of the riot. Forbes committed some of the inferior agents in these disturbances to stand their trial for felony, and he also imprisoned the magistrates on the charge of having favoured and encouraged the mob by their conduct; but, as there was some doubt on the legality of the latter proceeding in consequence of a decision of the lords of the justiciary that since the union the king's advocate had no longer the power of proceeding against the magistrates in this manner, he made out the warrant as one of the justices of peace for the county of Lanark as well as in that of king's advocate. The magistrates were, however, sent under a guard to Edinburgh; but there their entry assumed almost the appearance of a triumph, for they had been accompanied on the road by about forty of the principal merchants of Glasgow, and they were met at a short distance from the town by a number of gentlemen who joined in the procession, for the brewers of the capital had taken the greatest interest in the proceedings at Glasgow. The Glasgow magistrates were confined for a short time in the tollbooth, and then, upon a petition to the justiciary, they were set at liberty. The government, aware that this tumult

was a mere temporary outburst without any ulterior design, and not sure of the result of the prosecutions, thought it best to drop them, especially as it was evident that the magistrates had acted chiefly through want of judgment, and not through any real wish to encourage the mob. The inferior agents were publicly whipped through Glasgow, and then banished; and, as a lesson for the persons who were chiefly the cause of the riot, compensation to the amount of six thousand pounds sterling was awarded to Campbell of Shawfield for the damage done to his property, which was to be levied by a tax on all ale brewed within the city, a tax which has continued since. The magistrates attempted a criminal process against captain Bushel, but this was not allowed to proceed, and the king marked his approbation of his conduct by promoting him to the command of a troop of dragoons.

All forcible opposition to the malt-tax was now abandoned, but the brewers still persisted in their plan of forcing the government to withdraw the tax by discontinuing to brew, and the jacobites made sure that the whole revenue of the excise would be destroyed. This question was tried in Edinburgh, where, when the lord advocate required them to carry on their business, they made reply that they would continue to brew as long as their stock in hand lasted, but that, if any attempt were made to force them to pay the duty, they would immediately shut up their breweries, adding that they were ready to go to prison rather than comply with his requisition. The lord advocate then entered a complaint against the Edinburgh brewers before the court of session, charging them with illegal combination, and requiring that they should be compelled to continue their trade as heretofore until the 1st of November, and that for three months after that date none of them should be allowed to leave off brewing until fifteen days after he should have given notice of his intention by a public notary to the magistrates of Edinburgh. The court issued a summary citation, under the act of sederunt, requiring all the brewers to appear before them next day, when each was to oblige himself by a bond to comply with the act under the penalty of a hundred pounds sterling. The brewers now presented a petition, in which they represented that "to require private persons to enter into a bond under a penalty, was a grievance complained of by the claim of right; and to

compel them to follow an employment to their loss, was authorised by no law, and justified by no precedent; that the brewers during the vacation brewed less, and the retailers sold less, than during the session; and they urged further, "that if their lordships obliged them to brew an equal quantity any one month after to what they did the month preceeding, they ought in fairness to pass another act, to oblige the retailers to buy, and the lieges to drink, as much each succeeding month as they have done for a month before, and make them severally find caution for the same." This petition was rather summarily disposed of by the court, which, considering it to be insulting in its language, ordered it to be burnt by the common hangman. They then called the brewers to the bar, but, with a single exception, these refused the bond. An order was then made that all who did not comply before the 10th of August, should then be committed to prison, to remain in confinement until the 1st of November, unless before that time they had subscribed the bond. Soon after this, the earl of Islay arrived in Edinburgh, and the brewers were then, at the instance of the commissioners of excise, summoned before the justices of the peace, to make payment of the duty on the malt on hand. They immediately closed their establishments, and stopped business; upon which four of the principal brewers, Cave, Lindsay, Scott, and Cleghorn, who were considered the ringleaders, were thrown into prison. The authorities, however, had recourse to persuasion, and avoided further violence; and after several pamphlets had been written on the subject, and much expostulation by the earl of Islay, the brewers themselves saw the inutility and folly of further resistance, and submitted.

The moderation employed by the government on this occasion was shown in all its other transactions in Scotland, and contributed materially to the facility with which the highlanders were reduced to obedience; for the jacobites made sure that the order for disarming the highlanders would be productive of serious disturbances, of which perhaps they might themselves take advantage. A camp was therefore formed at Inverness, and a sufficient force concentrated there to overawe all attempt at resistance; but general Wade, who was guided by the councils of Duncan Forbes, acted in every case with the utmost gentleness. Forbes was intimately acquainted with the character of the high-

landers, and none knew so well how to treat with them; and it would have been well if his councils had been always acted upon. Wade, on the present occasion, was furnished with full authority to promise pardons to all who had not been attainted by act of parliament, and even these were encouraged to hope. Before he left Edinburgh, he called together the principal persons connected with the highlands who were then in the capital, and pointed out to them the advantages of speedy and unhesitating submission, showing them his commission for granting pardon and indulgence, and telling them that, in case of good behaviour, even the exiled chiefs would in due time be restored. Among these latter was lord Seaforth, who, discontented with the pretender's court, was already in negotiation with the government of king George, and this was no doubt well known to his clan. When Wade was with the camp at Inverness, in the month of August, 1725, the chiefs of the clan who were at home, namely, the lord Tarbet, sir Colin Mackenzie of Coul, and sir Kenneth Mackenzie of Cromarty, with some fifty gentlemen of the name, waited upon him in the name of the rest, who they said were only held back because they did not know how they would be received. He represented that they had for several years past, while their chief was in exile, been accustomed to pay their lord's rents to his agent, Daniel Murdockson, and that they were unable to pay them a second time, but that if they were relieved from all danger of this, they would surrender their arms and live peaceably, and in future pay the rents to the government. Wade received them in the most engaging manner, and treated them for several days with great hospitality, assuring them that their wishes should be complied with, and giving them hope that on the meeting of parliament the earl might be restored to his estates. In arranging the ceremony of delivering up their arms, Wade also indulged the feelings and prejudices of the Mackenzies. Six independent companies of highlanders had been raised by the government, commanded by native officers, and they were encamped with the regular troops, but intended to be employed especially in the duty of disarming the others. The Mackenzies were unwilling that these highlanders should be present at their submission, and they wished that ceremony to take place at the castle of Brahan, the chief residence of the earl of



Seaforth. Accordingly, on the day appointed, the 25th of August, Wade proceeded, with a detachment of two hundred regular troops, to Brahan castle. The various bodies of the clan assembled severally in the neighbouring villages, and one after another marched in order up the avenue to the castle, where they laid down their arms in the court-yard, and then passed on. The number of arms thus surrendered amounted in all to seven hundred and eighty-four. After the ceremony was over, general Wade entertained the chiefs of the clan at dinner, and the remainder of the day was passed in the utmost cordiality and good feeling. The example of the Mackenzies produced a good effect on all the other clans. The Macdonalds of Glengarry, the McLeods of Glenelg, the Chisholms of Strathglass, and the Grants of Glenmorriston, delivered up their arms at Killyhuimen, or Fort Augustus; the Gordons and Macphersons at Ruthven in Badenoch; the people of Skye at Bernera; those of Mull at Castle Duart; the Macdonalds of Kepoch, Moidart, Arisaig, and Glencoe, and the Camerons and Stuarts of Appin, at Fort William; and the Mackintoshes at Inverness. The whole highlands were thus reduced before the commencement of October, when the regular troops were sent into winter quarters. Lord Lovat's highlanders were appointed to guard the passes between Skye and Inverness; those between Inverness and Dunkeld were entrusted to colonel Grant's highlanders; while the others, as far west as Lorn, were left to sir Duncan Campbell; and divisions of each of these clans were posted at Fort William, Fort Augustus, and Ruthven. A chronicler of these events has informed us that "many of the men who composed these companies were of considerable station—cadets of gentlemen's families, sons of gentlemen farmers and tacksmen, either immediately or distantly descended from gentlemen's families, young men gladly availing themselves of the privilege of engaging in a profession which relieved them from the sense of degradation and dishonour attached to the idea of being disarmed; many of the privates had *gillys* or servants to take care of their provisions and baggage."

The southern highlanders, while they were no less prompt in submitting, acted with greater cunning. Instead of keeping their arms to deliver them up, they either sold them, or took them to smiths, who

made of them implements of a more peaceful character; and all the arms delivered up to general Wade, amounting in number to less than three thousand, were estimated by him at their value in old iron. The whole of the highlands were thus reduced under obedience to the government, and, as they had so recently experienced the sufferings of a rebellion in a weak cause, and were now enjoying the advantages of greater indulgence than in the usual course of things they had any right to expect, there was every reason to suppose they would continue in obedience to the government.

This pacification of the highlands offered a favourable opportunity for renewing the attempt to spread civilisation through those wild regions, and a plan for this purpose was warmly taken up by the general assembly of 1725, and was encouraged by the king. It was represented that one of the main causes why "popery and ignorance prevailed in the highlands and islands" was the great extent of the parishes, which prevented the regular ministers "from visiting their parishioners as they ought, and giving such instructions as was necessary to enlighten them and arm them against the practices of the many popish priests that resort thither, in order to pervert and seduce them." It was proposed as a remedy, that itinerant teachers and catechists should be employed to assist the ministers in the highlands; and the king placed at the disposal of the assembly the sum of a thousand pounds annually for the support of such itinerant ministers.

The pretender imagined that the attempt to disarm the highlanders would meet with an obstinate resistance, and he urged the exiled chiefs to return immediately to Scotland in order to place themselves at the head of a new insurrection; nor would he listen to their representations that the consequences of such a proceeding must be the utter ruin of all his friends. On the contrary, he tried to deceive his partisans in Scotland, by telling them that their exiled brethren were in favour of an immediate rising, and assured them, although he knew it to be false, that a very powerful foreign force would be sent immediately to their assistance. The Scots, however, this time refused to rise, and they suggested to him that the foreign force would be better employed in attempting to make an impression upon England than among the mountains of the north. But a new scheme was now

started, more ridiculous than any of those which had gone before, the plan of which was, that the chevalier was to obtain the assistance of the emperor of Austria, with which he was to take possession of Hanover; and it was calculated that king George's love for his hereditary dominions was so great, that he would willingly relinquish the crown of England to get them back! Amid wild projects like these, the more sensible adherents of the pretender became so disgusted with his heartlessness and incapacity, that they began to desert his cause. Among the first to set the example of defection were lord Panmure and the young duke of Hamilton; and, after Lockhart, there were very few in Scotland who continued to feel any zeal in his cause.

The scandal of his household and court, which was now made public, did much towards estranging the pretender's friends. Mar, who, after the last rebellion, had held the office of secretary of state to the "king," as the jacobites termed the pretender, had been supplanted in favour and office by his brother-in-law, colonel Hay, a man of little principle or talent, but who had gained an influence over the weak mind of the pretender through his wife, a beautiful intriguing woman. Hay had been raised by the pretender to the peerage, and he and his wife enjoyed at the exile's court the title of earl and countess of Inverness. In the summer of 1718, the pretender had married the princess Clementine, grand-daughter of the celebrated John Sobieski, king of Poland, who bore to him, at Rome in 1720, a son named Charles Edward, who inherited his father's pretensions to the English crown. Clementine was naturally jealous of the intimacy between her husband and the countess of Inverness, and her indignation was excessive when she found herself treated with contempt and insult by the favourites. She therefore allied herself closely with the earl of Mar and his party at court, where she remained until the young prince Charles Edward, who had been entrusted to the care of Mrs. Sheldon under her own eye, had reached his fifth year. He was then, by his father's orders, taken from the care of Mrs. Sheldon, and given in charge to lady Inverness's brother, James Murray, whom the pretender had created earl of Dunbar, with strict orders that he was never to be allowed to visit his mother alone. Clementine remonstrated indignantly, and demanded that the fa-

vourites should be dismissed from court; and when this was refused, she went away herself, and took shelter in a convent. Her husband immediately published a memorial against her, in which he accused her of obstinacy and disobedience, defended and justified his favourites, and excused his conduct in taking away her son by the plea that he was master of his own family and children. His wife not only replied to this defence, in a printed letter which was very severe on the earl and countess of Inverness, or, as she called them, Mr. and Mrs. Hay, but, as they were protestants, she complained to the pope, who espoused her cause. But the chevalier only expressed his indignation at the pope's interference, and declared loudly that no one had a right to judge of his conduct but himself.

The scandal occasioned by these family quarrels was very injurious to James's cause in Scotland, which was not improved by a dispute that arose soon afterwards among the episcopalian clergy, arising out of a division of opinion with regard to the election of bishops. One party, which leaned most towards the church of Rome, and seems to have answered nearly to our modern Puseyites, asserted that the election of bishops belonged to the presbyters, with the consent of the people, and that the king ought to have no control over it; while the other party held that the nomination of the bishops belonged solely to the king. The two parties came at length to an open collision, on the occasion of choosing a successor to Fullarton, bishop of Edinburgh, in 1726. The king had nominated to the see a minister named Gillane, but another minister, of less respectable character, named Miller, had put himself forward as a candidate. The presbyters of the episcopalian party in Edinburgh, who appear to have been rather lax in their morals, and are said to have feared that Gillane would be a strict disciplinarian, were mostly in favour of his rival, and a remonstrance against him, signed by about twenty of them, was prepared for presentation to the college, though for various reasons it was not presented. So great, however, was the outcry against the king's nomination, that the consecration of Gillane did not then take place.

Soon after this, Lockhart, who had been much annoyed at the division among the episcopalians, and warmly advocated the pretender's right to nominate Gillane, was obliged to leave Scotland. Lockhart took



part with the queen and the earl of Mar, and had expressed his sentiments rather plainly in some of his letters to the chevalier, in revenge for which, it is supposed, the earl of Inverness, who was in secret communication with the English government, gave information to them of a packet of letters addressed to Lockhart from the pretender's court, and containing plans for a new invasion. The vessel which carried these despatches from Rotterdam to Leith was boarded by a revenue cutter as it entered the Firth of Forth, and the packet of letters was seized. Lockhart received timely intelligence of his danger, and succeeded in making his escape to the continent, but the agents who conducted the correspondence were arrested and carried to London, where one of them made a full confession, which is said to have seriously compromised several of the Scottish nobles. When Lockhart was gone, there was no longer a check upon the divisions of the episcopalians, and bishop Fullarton dying soon afterwards, the one party elected Miller to be his successor, while the college nominated bishop Fairbairn to manage the diocese, which they

considered as being vacant. The quarrel was carried on with so much bitterness, that it could not be kept secret, and the actors in it only remained unmolested because it was wisely resolved to let the jacobites ruin their own cause.

Unfortunately, the divisions among the presbyterians were increasing rather than diminishing. The contest between the evangelicals and their opponents still raged, and the mode of electing ministers to vacant parishes was approaching more and more towards the old character of patronage. In the general assembly of 1726 a new charge of preaching unsound doctrine was brought against professor Simpson, and the affair having been referred to a committee, was continued in the assembly of 1727. It ended in his being treated at this time leniently; but the assembly, before it separated, drew up an urgent memorial on the indiscreet proceedings of the episcopalians, to whom and their recent doings they called the particular attention of the civil government. Such was the state of affairs in Scotland, when George I. died at Osnaburgh, on the 11th of June, 1727.

## CHAPTER VI.

### STATE OF SCOTLAND IN THE EARLIER PART OF THE REIGN OF GEORGE II.; THE PORTEOUS RIOT.

THE news of the death of king George I. found the pretender at Bologna, where he had just been compelled by Mar's party at his court to dismiss the earl of Inverness, and where he had agreed, apparently with equal reluctance, to a reconciliation with his wife, who was preparing to rejoin him in that city. But his expectations were so absurdly elevated by this new event, that he postponed the reconciliation, and, much against the advice of the wisest of his friends, left Bologna for Lorraine. On his way, he wrote a letter to Lockhart, explaining to him the cause of his sudden journey. "As soon," he said, "as I heard of the elector of Hanover's death, I thought it incumbent on me to put myself in a condition of profiting of what might be the consequences of so great an event, which I was sensible I could never do at so great a

distance as Italy; and that made me take the resolution of leaving that country out of hand, and drawing nearer to England, that I might be in a readiness, without loss of time, to profit of any commotion that might ensue in Great Britain, or of any alteration that might happen in the present system of Europe on Hanover's death. At the same time that I left Italy, I dispatched expresses to Vienna, Madrid, and Paris, and have already received the return of that to Vienna, by which it is very plain that the emperor would be very desirous that I could be in a condition of making an attempt without any foreign force, and would not even obstruct my passing privately through his dominions for that effect, though his ministers declare, at the same time, that since the preliminaries are signed, he cannot give me any assistance. The answers from

France and Spain are not yet come, but, when they do, it is to be expected that they will not be more favourable, so that for the present no foreign assistance can be expected; but with all that, the present conjuncture appears so favourable in all its circumstances, that had I only consulted my own inclination, I should certainly, out of hand, have crossed the seas and seen, at any rate, what I could do for my own and my subjects' delivery; but as on this occasion I act for them as well as myself, and cannot hope, without their concurrence, to succeed in what I may undertake in our mutual behalf, I find myself under the necessity of making no further steps without their advice. It is true the disadvantages I lie under are great and many; I have but a small stock of money, scarce sufficient to transport what few arms I have, and what officers I may get to follow me on this occasion. I am sensible that it is next to impossible that a concert should be established among my friends at home, such as would be sufficient for arising in arms in my favour before my arrival, and, by what is said before, the little hopes of foreign assistance will be sufficiently seen; but with all this, many arguments may be brought to authorise our undertaking, which at first sight might appear rash. Our country is now, whatever the outward appearance may be, in great confusion and disorder; the people have had time to feel the weight of a foreign yoke, and are nowise favourably inclined towards the present elector of Hanover. That concert, vigour, and unanimity, which does not precede my crossing the seas, may attend and follow such an event; and if the chief great powers in Europe are not all my declared friends, there is not one that is my enemy, and that has not a particular interest to wish me on the throne; and were I in person in Britain, at the head of even a small number of my own subjects, it might naturally alter very much the present system of some or other of them during the time of the congress; but should it once meet, and affairs be adjusted there on the foundation of the quadruple alliance, foreign affairs will take quite another face, and in all probability would long remain so, whilst the present elector of Hanover and his son might have time to ingratiate themselves with the English nation. So that, all put together, it must be concluded, that if the present conjuncture be slipped, it cannot be ex-

pected that we ever can have so favourable an one for acting by ourselves, and that we run the risk of allowing the general affairs of Europe to take such a turn as will probably incline most of the chief powers of Europe to be less favourable to us than they are at present, so that whatever is not absolutely desperate ought certainly to be undertaken, and the sooner the better. I desire, therefore, that you may seriously think on this matter, and let me have your opinion as soon as possible, and if my going into England be not advisable, whether my going to the highlands of Scotland might not be found proper."

The pretender had sent this letter by a confidential messenger, Allan Cameron, whom he had entrusted with his views and reasons, and who was to confer with Lockhart on the subject. Lockhart seems to have suspected at first that this was a plan of Inverness's to betray his master into the hands of his enemies, and he was not much encouraged by the information that the favourite, although not actually with the pretender, was near enough to be his private adviser. Lockhart knew that Cameron was well acquainted with the highlands, and he asked him whether he really believed that the highlanders would rise generally at that moment, or if it were possible for them to rise without arms or ammunition. Cameron replied, that "he could not say they all would rise, but certainly some would; and as for arms, ammunition, and money, they might be sent after his majesty, who, he did not doubt, might be able to make a stand for some months at least." Lockhart again asked Cameron, how he, who knew the state of the highlands, could advise "the king" to enter upon such a mad enterprise, the only result of which would be the utter ruin of his friends. "The king might indeed expect that some would venture all in any undertaking when his majesty was personally present; but as matters stood, these would not be numerous, and a majority would consist of a parcel of idle fellows who might be induced by the hopes of plunder to repair to his banner, but in time of need would leave him to the mercy of the government forces, which would be poured into the highlands to ravage the country and exterminate the inhabitants. A pretext only was wanted, which an ineffectual rising would give, and they who advised it either did not know the true state of the



king's affairs, or betrayed him, being weary of his service, or in correspondence with his enemies." Cameron made no reply to these remarks, but said merely, "that the king was of another mind, and keen to be at it, and wished to know if he would accompany him;" and Lockhart finally dismissed the messenger, with a letter to the pretender, in which he strongly urged upon him the madness of such an attempt as that he proposed. This, perhaps, might have had little effect, but the pretender's courage seems by this time to have cooled, and he soon afterwards proceeded to Avignon, where he ordered his wife to join him. She had, however, now received information which led her to suspect the reception she would receive, and to decide on remaining where she was. Her husband published a new declaration of her conduct, to which she gave an apparently very sufficient reply; but all the efforts of Lockhart and other friends of the pretender to effect a domestic reconciliation, were in vain.

Nor was Lockhart more successful in his attempt to open the pretender's mind on the treachery of his worthless favourites, which, indeed, seemed only to increase his confidence in them. Having received distinct information on the subject from England, Lockhart wrote to the prince, "I received lately information from a particular friend, that he was assured that the ministry of London were masters of copies of most if not all the cyphers by which you, and such as are employed under you, correspond with your friends in Britain or elsewhere, and that by one of these they unciphered the letters lately seized in Scotland;" and he hinted pretty distinctly at the source from which the cyphers had been obtained. James, however, was still deaf to everything disadvantageous to his favourites, and, in allusion to this information, he told Lockhart in a letter in reply, "I own to you it did not give me much uneasiness, for I was very sure of my secrets while Inverness served me, and I hope I am not less so now. The English government of late has been very solicitous to make people believe that my secrets are betrayed, since they are sensible that such a persuasion must create great diffidence towards me, and by consequence much distress my affairs, and therefore it must always be of use to me to remove such jealousies." He further expressed his wish "to know who was the person that gave you these informations,

and I wish you would learn from him who were his informers, and the way it is pretended the English government get my cyphers, and what particular ones they pretend to have." Lockhart naturally declined to give this information, and he wrote rather coolly, expressing himself "extremely glad to learn that his majesty had such good reason for not believing that he was betrayed;" though he himself felt confident of the truth of his information. Lockhart's jacobite zeal had indeed now subsided in a very sensible degree, and, disgusted with the conduct of the pretender and his court, he determined to take advantage of the efforts of some of his friends at home to make his peace with the government of king George. He therefore closed his correspondence with the exiled prince in a letter in which he expressed very plainly his opinion of his conduct, and to which no answer appears to have been returned. His application to the English government was successful, through the intermediation of the duke of Argyle, the earl of Ilay, and Duncan Forbes, and, having obtained, in 1728, permission to return to Scotland in safety, he retired entirely from public life. He penned at that period the following character of the old pretender, which is the best justification of his retirement:—"The king (*i.e.*, the pretender) I am afraid daily loses ground: he began the world with the general esteem of mankind; every person, friend and foe, allowed (*believed*) him to be a wise, sober, just, good-natured prince, of great knowledge and application in business; and such as knew him, both foreigners and subjects, concurred in portending the happiness of the people over whom he should rule, and this character he maintained whilst the duke of Mar was at the head of his affairs after his return from Scotland. 'Tis true he was thought to put too much trust and show too much favour towards his grace, so as all matters were directed solely by him, whereby the duke of Ormond and several other persons of quality thought themselves slighted and retired from the court; yet still affairs were managed with a good decorum and dexterity, and several well-laid projects carried on, and prudent negotiations set on foot, and people excused the king's having a bias towards a person that had made so great an effort for him, and who was certainly a very able minister, though not free from that ambition which overrules the minds of most statesmen, by

endeavouring to monopolise all power into their own hands. But soon after Mar's removal, his majesty's character and affairs appeared in a quite different light; great blunders were committed in the execution of affairs in Scotland (and the same was alleged and may be reasonably supposed elsewhere), so that people soon saw that they were not carried on with the dexterity and secrecy as formerly; but that which struck the nail on the head was his allowing these his favourites—which seems to be a curse in a peculiar manner entailed on the royal race of Stuart—to rule under him in so absolute, arbitrary a manner, that for their sake, and on their account, the prerogatives of a sovereign and a husband are screwed up to a pitch not tenable by the laws of God or man, or consistent with prudence; in so far as the royal consort, the mother of the royal issue, and subjects of the best quality and merit, who had served the king with their blood and fortunes, are trampled upon and abused by a parcel of people who never were nor will be capable to do the king any material service, and are contemptible in the sight of all who know them; and at last forced to seek a sanctuary in some other place, and on that account deprived of the small pensions they received for supporting themselves after having lost all for their king. And as all these continued steps of unaccountable proceedings were contrary to the repeated prayers and remonstrances of his majesty's best friends, princes, and subjects, they gave the world a very unfavourable opinion of his prudence, justice, honour, and gratitude, and highly discouraged such as were inclined and capable to advise and serve him, and created a universal despair of ever seeing a probability of better days. And thus whilst no party is acting for his interest, no projects formed, nothing done to keep up the spirits of the people, the old race drops off by degrees, and a new one springs up, who, having no particular bias to the king, as knowing little more of him than what the public newspapers bear, enter on the stage with a perfect indifference, at least coolness, towards him and his cause, which consequently must daily languish, and in process of time be totally forgot."

There was nothing in the condition of Scotland at the time of the death of George I. to give the slightest encouragement to such a project as that on which the pretender was going to act. The new king made a

public declaration of his determination to protect the presbyterian church as then established in Scotland; and the commission of the general assembly presented a petition which was full of warm expressions of confidence and loyalty, and which was afterwards approved and repeated by the assembly itself. "Our preservation," they said in this address, "depends so evidently upon your undoubted title to the imperial crown of the realm, that though the popish pretender to your majesty's throne, in public papers and declarations, has often attempted to delude others with the vain hopes of protection, should his arbitrary and tyrannical government take place over this island, yet not the remotest insinuation either was or could with any colour be made in favour of our church, so inseparably are our duty to your majesty and our interest connected together."

Unfortunately, however, as the political state of the country became more calm, the agitation in the church increased, and within the space of two or three years it was carried to a height which was dangerous to the peace of the community. The case of professor Simpson was continued through the general assembly which met in the month of May, 1728, and he was shown to have taught in his lectures certain points of doctrine which were not consistent with the divinity of Jesus Christ. The friends of Simpson were numerous and influential, and, after his case had been debated lengthily and obstinately, judgment upon it was left at the end of the session to the next general assembly, which was to meet in May, 1729. The case had meanwhile been submitted to the presbyteries, and the general opinion was in favour of a severe sentence against the professor, whose friends and the moderate party in the kirk strained every nerve to save him. The case was debated in the assembly during eight days, and in the end the moderate party carried their point that it should be referred to a committee to bring in an overture, which was simply to approve of the previous proceedings. The committee wished this to pass as the unanimous voice of the assembly, without putting it to a vote, and the assembly appeared inclined to acquiesce; but when the moderator asked if the assembly were agreed, after a short silence in which nobody seemed inclined to answer in the negative, Mr. Thomas Boston rose and said, "I find myself laid under a necessity of de-



claring my dissent from this decision of the assembly, as I think the censure inflicted by it on professor Simpson is not adequate to the offence he has given as to the points of doctrine that have been proved he taught the students under his care, and have been found relevant to infer censure. I cannot help thinking, sir, that the cause of Jesus Christ, as to the great and essential point of his supreme deity, has been at the bar of the assembly requiring justice; and as I am shortly to answer at his bar for all I do or say, I dare not give my assent to the decision of this act; on the contrary, I find myself obliged to offer a protest against it, and, therefore, in my own name and in the name of all that shall adhere to me, I protest." Then, after a pause, in which he cast his eyes solemnly round the room to see if any supported him, he added, "and for myself alone, if nobody shall adhere." The moderator tried to persuade him to desist from breaking the unanimity of the assembly, but in vain, and he read his protest as follows:—"I dissent, as judging it, inasmuch as it doth not bear a disposition of Mr. Simpson from the office of the ministry of teaching and preaching the gospel of the blessed God, to be no just testimony of this church's indignation against the dishonour done by the said Mr. Simpson to our glorious Redeemer, the great God and our Saviour, and what hath been found both relevant and proved against him by the two immediate general assemblies; and judging the same also not to be agreeable to the rule of God's word in such cases, nor to the form of process established in this church, to be saddening to the hearts of the generality of ministers and godly through the land, and not sufficient to dash the hopes of the proud contemners of revealed religion and the awful and incomprehensible mysteries of the same, both at home and abroad; nor a fit means to bring the said Mr. Simpson himself to repentance; whereof as yet he hath given no evidence. All which shall be fully manifested to the world, if need be." The moderator again expostulated with him on what he described as a course likely to create division in the church, and Mr. Boston was prevailed upon to delay the insisting upon it, on the assurance that he could revive his protest on any other occasion. At the next meeting, however, he insisted upon giving in his protest, but he yielded to the wish of the assembly that it might not be recorded, thus setting an

example of an irregularity of proceeding which was afterwards productive of much confusion.

The affair of professor Simpson ended here, but the dissatisfaction created by it continued in the church, and soon found other occasions of showing itself. The commission of the assembly, or the body which was left to act in the assembly's name during the intervals between the yearly meetings, had become the real governing power in the Scottish church, for it influenced all the decisions of the assembly itself, and virtually did its work for it. It consisted nominally of all the members of the assembly; but thirty-one, of whom twenty-one must be ministers, formed a quorum, and this was naturally formed by the ministers and others who lived at or nearest to Edinburgh. The moderates, or those who had supported Simpson, had from circumstances a majority in this commission, and they thus exercised an overpowering influence in the management of church affairs, and were able to overrule the opinions and wishes of the stricter presbyterians in spite of their numbers. This was especially the case on the occasion of the settlement of vacant parishes, where, according to the law of patronage, ministers were now constantly intruded who were not agreeable to the wishes of their congregations, and the table of the general assembly was covered with the petitions of the presbyteries against them. These petitions were handed over to the commission, which generally enforced with rigour the appointment of the minister in defiance of the appeal of the presbytery. In the assembly of 1730 there was a case of this kind, that of the parish of Kinross, which eventually was the cause of great divisions, and several acts of the assembly, of no great importance in themselves, contributed by their spirit to keep these divisions alive. The assembly of 1731 remitted the case of Kinross to the commission, and at the same time, urged by the clamour about the settlement of parishes, they transmitted to the different presbyteries for consideration a proposal for a plan of filling up the vacant parishes which fell into their hands *tantum jure devoluto*, to be adopted until the enactment of a regular law. This plan was, that the presbyteries should appoint one or more of their number to meet with the heritors, being protestants, and the elders, and they were to elect and call one to be their minister, whom they were to propose to the

whole congregation, to be by them approved or disapproved; the disapprovers being required to produce their reasons to the presbytery of the bounds, by whom the entry of the minister was to be determined. In the case of Kinross, one Mr. Francis Craig had been called to the charge by the congregation, but the presentation had been given to a Mr. Stark, who had scarcely a vote in his favour, in consequence of which the presbytery refused to ordain him. The commission of the assembly, however, ordered the presbytery to admit him without delay, and on its refusal, without paying any attention to its appeal to the next general assembly (that of 1732), the commission appointed a sub-committee to enforce the settlement.

The general feeling on this and similar cases had risen to such a height, that a strong representation against the usurpations of the commission was drawn up and signed by forty-two ministers, and laid before the general assembly which met in May, 1732. After enumerating various grievances and cases of tyrannical intrusion, such as that of Kinross, they pointed out the dangerous consequences of the arbitrary proceedings of the commission, "not only in the cases specified, but in many others, seeing they might be improved as precedents, and had too visible a tendency to grieve many of God's people, alienate their affections, cause divisions, pave the way for introducing in all corners of the land a ministry utterly unacceptable, and so not fit to edify and rule the flock of Christ, and to wreathe the heavy yoke of patronage about the church's neck, and strengthen the hands of enemies who may design to model the church according to their own mind, and bring in a corrupt time-serving ministry into it, to serve their carnal political interests." They accordingly prayed the assembly, "with all due respect to heritors well affected to church and state, to discharge, in time coming, all settlements of vacant congregations without the call and consent of the elders and christian people thereof." The assembly was so much offended by this remonstrance, that it was not even allowed to be heard; and the appointment of Mr. Stark to Kinross was not only confirmed, but an order was given to the presbytery of Dunfermline to receive and enrol him as one of its members. Some few of the assembly protested against the irregularity of these proceedings, but the majority in

the assembly refused to listen to the protest, and forbade its being entered on record. The assembly, before it separated, agreed to the plan for settling parishes which had been referred to the commission, and made it a law of the church, adding a clause to prohibit all inferior judicatories from making final settlements when appeals were lodged.

The ministers who were refused a hearing in the assembly, now carried their complaints into the pulpits, and thus spread still more widely the general feeling of discontent. In the October of 1732, Mr. Ebenezer Erskine, minister at Stirling, preached a sermon before the synod of Perth, in which he spoke of the corruptions in the church with great freedom, and compared indirectly the conduct of the party which then ruled in the church of Scotland with that of the degenerate priesthood of the Jews. For this sermon Mr. Erskine was censured by the commission of the assembly, and the presbytery of Stirling was directed to watch over him, and report on his future behaviour. Mr. Erskine drew up a protest, to which a considerable number of the members of the synod of Perth, with their moderator, adhered, and appealed to the next general assembly; and the presbytery of Stirling, as well as his own kirk-session, petitioned in his behalf; but all was in vain, and the commission only confirmed their censure. Mr. Erskine refused submission, and persisted in his appeal; and the general assembly, which met in the May of 1733, had thus two cases of resistance to deal with, which brought it in collision with the presbytery of Stirling, in the case of Mr. Stark, and with the synod of Perth, in that of Mr. Erskine. The case of the presbytery of Stirling came on first, and a warrant was issued to summon several members of that presbytery, with the presbytery clerk, to "compear" before the assembly and show their reasons for disobedience to its acts and appointments. As the assembly professed not to be satisfied with these reasons, a committee was appointed to confer with them, but as this conference produced no effect upon them, the assembly, on the report of the committee, ordered the ministers of the Stirling presbytery to retire and constitute themselves into a presbytery, for the purpose of receiving and enrolling Mr. Stark, and to report particularly on the behaviour of each member. The assembly now found that a majority of the presbytery



there assembled were for enrolling Mr. Stark, and they appointed another meeting for that purpose. Six of the members of the presbytery, who had distinguished themselves by their opposition to the admission of Mr. Stark, were rebuked at the bar, and ordered "to own Mr. Robert Stark as minister of the gospel at Kinross, to encourage and strengthen his hand in the Lord's work, to discourage all separation from and non-subjection to his ministry, and strictly discharged from admitting any of the parish of Kinross to sealing ordinances without the consent of the said Mr. Robert;" and they were inhibited from presenting any protest on the subject. The task of enforcing obedience to these orders of the assembly was intrusted to the commission.

In the case of the synod of Perth, the assembly acted still more summarily; for, without charging him with any error of doctrine, or even with any harshness of language towards the governing body in the church, they at once confirmed the judgment of the commission, and ordered him to appear at the bar of the assembly to be publicly rebuked and admonished by the moderator. Upon this Erskine drew up the following protest, which was dated at Edinburgh on the 14th of May, 1733:—"Although I have a very great and dutiful regard to the judicatures of this church, to whom I own my subjection in the Lord, yet in respect the assembly have found me censurable, and have tendered a rebuke and admonition to me for things I conceive agreeable unto and founded upon the word of God and our approved standards, I find myself obliged to protest against the foresaid censure, as imputing that I have in my doctrine at the opening of the synod of Perth, October last, departed from the word of God and the foresaid standards; and that I shall be at liberty to preach the same truths of God, and to testify against the same or like defections of the church, upon all proper occasions. And I do hereby adhere unto the testimonies I have formerly emitted against the act of assembly, 1732, whether in the protest entered against it in open assembly, or yet in my synodical sermon, craving this my protest and declaration be insert in the records of assembly, and that I be allowed extracts thereof." Three other ministers of note, Mr. William Wilson, minister at Perth, Mr. Alexander Moncrieff, minister at Abernethy, and Mr. James Fisher, minister at Kinclavers, joined

in this protest, which was presented in their four names to the assembly; but the latter refused to listen to it, or to allow it to be recorded, and, after refusing to withdraw it, the petitioners retired. The four protesters were then cited to appear before the assembly next day, and a committee was then appointed, which held a long conference with them, in the hope of persuading them to withdraw their paper and protest, and submit, but without effect. On the report of this committee, the assembly, by a large majority, ordered, "that the four brethren aforesaid appear before the commission in August next, and then show their sorrow for their conduct and misbehaviour in offering to protest, and in giving in to this assembly the paper by them subscribed; and that they then retract the same. And in case they do not appear before the said commission in August, and there show their sorrow and retract as said is, the commission is hereby empowered and appointed to suspend the said brethren, or such of them as shall not obey, from the exercise of their ministry. And further, in case the said brethren shall be suspended by the said commission, and that they shall act contrary to the said sentence of suspension, the commission is hereby empowered and appointed at their meeting in November, or any subsequent meeting, to proceed to a higher censure against the said four brethren, or such of them as shall continue to offend by transgressing this act. And the general assembly do appoint the several presbyteries, of which the said brethren are members, to report to the commission in August, and subsequent meetings of it, their conduct and behaviour with respect to this act." The four ministers attempted to reply to this sentence, but they were not permitted to speak, and they therefore laid on the table in writing what they intended to say. They returned to their several parishes, where their conduct met with general approval; and when the commission met in August, it received numerous declarations and petitions in their favour. But these also were disregarded, and as the four ministers showed no inclination to submit, the sentence of suspension was pronounced against them. The four ministers now protested, not only in their own names, but in the names of their respective congregations, against the sentence, as being irregular, and in itself null and void, and they continued to exercise their ministry in defiance of it. The

popular feeling in favour of the protesters was becoming so great, that some of the commission now felt inclined to hesitate, and when at the meeting in November it was proposed to pronounce against them the highest censure of the church, that measure was only carried by the casting vote of the moderator. They were then declared to be no longer ministers of the church of Scotland, and their churches were declared vacant, and this sentence was ordered to be read from the various pulpits within the presbyteries to which they belonged, before the 1st of January following.

The protesting ministers were not daunted by these proceedings. They produced a protest stronger and more decided in character even than the former, in which, after declaring that they considered the sentence as irregular and therefore null and void, and that they should continue their relations with the flocks which had been entrusted to their charge, they went on to say:—"And likewise we protest that, notwithstanding of our being cast out from ministerial communion with the established church of Scotland, we still hold communion with all and every one who desire with us to adhere to the principles of the true presbyterian covenanted church of Scotland, in her doctrine, worship, government, and discipline; and particularly with all who are groaning under the evils, and who are affected with the grievances, we have been complaining of, and who are, in their several spheres, wrestling against the same. But in regard the prevailing party in this established church, who have now cast us out from ministerial communion with them, are carrying on a course of defection from our reformed and covenanted principles, and particularly are suppressing ministerial freedom and faithfulness in testifying against the present backslidings of the church, and inflicting censures upon ministers, for witnessing, by protestations and otherwise, against the same; therefore we do, for these and many other weighty reasons to be laid open in due time, protest that we are obliged to make a *secession* from them, and that we can have no ministerial communion with them till they see their sins and mistakes, and amend them. And, in like manner, we do protest that it shall be lawful and warrantable for us to exercise the keys of doctrine, discipline, and government, according to the word of God and confession of faith and the principles and constitutions

of the covenanted church of Scotland, as if no such censure had been passed upon us. Upon all which we take instruments, and we hereby appeal to the first free, faithful, and reforming general assembly of the church of Scotland." Neither the assembly nor the commission appear to have been prepared for a step like this, which immediately caused a great sensation throughout presbyterian Scotland. The minister at Maxton in Roxburghshire, Mr. Gabriel Wilson, with Ralph Erskine and James Wardlaw, ministers at Dunfermline, John Macclairine, minister at Edinburgh, Thomas Mair, minister at Orwell, in Kinross-shire, Thomas Nairne, minister at Abbotshall, in Fife, and John Currie, minister at Kinglassie, in the same county, immediately presented a protest, in which they claimed the right of complaining to any general assembly against this sentence of the commission, as well as of bearing testimony against it and all other defections and severities of the church, and of holding ministerial communion with their persecuted brethren, as if no such sentence existed. The commission, in self-defence, now drew up and published a narrative of their proceedings, to which the seceders replied by a review of the narrative; but the most important result of this quarrel was that, on the 6th of December, 1733, the persecuted brethren and their friends met at Gairney Bridge, near Kinross, and formed themselves into what they termed the *Associate Presbytery* of Scotland.

The dangerous division which had taken place was now obvious to all, and many who had hitherto yielded to the prevailing party now joined the evangelicals, or old presbyterians, and through their united exertions they gained a very decided majority in the general assembly which met on the 2nd of May, 1734. The assembly, accordingly, began by adopting conciliatory measures. They declared the acts of the assemblies of 1730 and 1732—the first forbidding protests of dissidents from being recorded, and the other relating to the appointment of ministers to vacant churches—to be no longer binding. They appointed the synod of Perth and Stirling to meet on the first Tuesday in July, and gave it power "to take the case of the seceding brethren, as it then stood, under their consideration, for uniting them to the communion of the church and restoring them their charges." But, with the praiseworthy intention of



avoiding as much as possible any new occasion of ill-feeling, they directed that this should be done without reference to or judgment upon the former proceedings. They, however, declared, for the satisfaction of those who were offended at the invasion of the liberty of the pulpit, that due and regular ministerial freedom in this respect was not to be understood as in any way impaired by the decision of the late assembly. The synod of Perth unanimously agreed in relieving the four ministers from the sentence of suspension pronounced by the commission of the late assembly, and in restoring them to their several charges and to the full communion of the church.

The seceders themselves, however, had now advanced a step too far for any hope of immediate reconciliation. As usually occurs in such cases, having once separated themselves from their opponents, they became less inclined to yield even on unimportant parts, and began to adopt far more extensive views on the subject of reform than many even of their own friends were inclined to adopt. They published a testimony to the doctrine, worship, discipline, and government of the church of Scotland, which they wished to be restored to the model of the flourishing days of covenanted presbyterianism, as exhibited especially in the years 1638, 1646, and 1648, forgetting the essential change which had taken place in the condition of the whole island; and they declared their opinion that it was their duty to continue in their secession until the church had become fully sensible of its sins and errors, and they saw a resolution to effect the reforms they demanded. They thought, too, that they could not conscientiously accept the advance made by their opponents, as long as it contained no acknowledgment of the injustice with which they had been treated. Their friends in the church, who were not willing to go the same length, reminded them that they had appealed for redress to the first faithful general assembly, and that they should at least, before taking so decided a step, wait to see whether this assembly would not answer to that character. These friends, however, continued to labour sedulously to remove the difficulties which stood in the way of reconciliation.

Among other measures of conciliation, the commission of this assembly sent a deputation to court to solicit the repeal of the act of queen Anne restoring patronage,

but they were unsuccessful. The matter, however, was not allowed to drop, and the general assembly of 1735 sent two ministers, Mr. Anderson of St. Andrews, and Mr. Gordon of Alford, with one of the ruling elders, colonel John Erskine of Carnock, as a deputation to do all they could for obtaining the repeal of the obnoxious act, but they also laboured in vain. The seceders, meanwhile, pointing out a clause in the act which virtually gave the assembly the power of counteracting its evil effects, accused them of insincerity, because, instead of taking advantage of this, they sent fruitless deputations to London, to ask for what they knew beforehand they should not obtain, and which possibly they did not really want to obtain. They waited, therefore, till the close of the session, and then published their reasons for "not acceding to the judicatories of the established church;" in which they stated, that if the difficulties that lay in their way had not been removed, they did not impute it to the intentions or inclinations of many of the worthy members of the last assembly, but to the opposition they met with from some who had an active hand in carrying on or concurring with the "former course of defection." They forbore, however, for a year from taking any further step that might close the door to reconciliation.

An attempt had been made in the English parliament to obtain the repeal of queen Anne's act of patronage, for which purpose a bill, prepared by Duncan Forbes, Messrs. Erskine and Plummer, sir James Ferguson, and Mr. Hume Campbell, was introduced in the house of commons on the 18th of January. But it met with little support, and soon fell to the ground. A bill was also brought in to remedy certain evils and abuses which had occurred in the elections in Scotland, by assimilating the Scotch law for preventing wrongous imprisonment to the English habeas corpus act, and it was carried through the house of commons without difficulty. But it was opposed in the house of lords by the earl of Islay, and, on his representation that the law of Scotland was sufficient for the protection of the subject and needed no alteration, the bill was thrown out there. In the next session, January, 1736, the old acts against witchcraft were repealed.

The general assembly of 1736 continued to show a desire for reconciliation with the seceding ministers, and passed several acts

of a conciliatory character. One of these was an act against intrusion into vacant congregations, and another, an "act concerning preaching," which was intended to meet the complaint that had been made against them of indifference to gospel truth. By this act, all ministers were directed "to make it the great scope of their sermons to lead sinners from a covenant of works to a covenant of grace for life and salvation, and from sin and self to precious Christ; and to insist not only upon the necessity and excellency of faith in Jesus Christ for salvation, but also upon the necessity of repentance for sin and reformation from it, and to press the practice of all moral duties as indispensably necessary, in obedience to God's command, to testify our gratitude to him, and to evince the sincerity of our faith." Unfortunately, several cases happened about this time, in which the assembly was far from acting up to their professions, and they thus gave new offence to the party of the seceders. They refused to listen to a complaint from the parish of Denny, in Stirlingshire, against a sentence of the assembly which had intruded a minister upon the parishioners who was not agreeable to them. In another case, not unlike that of Kinross, a minister named Pursell, having been intruded on the parish of Traquire, near Dumfries, the assembly compelled the presbytery of Dumfries to receive him reluctantly among its members. Still greater offence was given by the case of Mr. Campbell, the professor of church history at St. Andrews, who, in some works he had recently published, the object of which was to defend and exalt revealed religion, had hazarded several objectionable positions, which could not fail to be highly offensive to the evangelical party. They were referred by the assembly to the consideration of a committee, which, after calling Mr. Campbell before them and hearing his explanations, pronounced that the positions in question were only unguarded and incautious statements in support of arguments pushed too far; and they delivered a general admonition to Campbell and others, "not to use doubtful expressions in their preaching, propositions, or writings, which might be construed in an erroneous sense." This was anything but satisfactory to the seceders, who had been looking forward to some particular "testimony" on the part of the assembly against the evils of the present and the sins of former times; and,

after waiting some time longer in vain for this "testimony," they met at Perth on the 3rd of December, and published on their own part what they called "a judicial declaration or testimony for the doctrine, worship, government, and discipline of the church of Scotland, agreeable to the word of God, the confession of faith, the national covenant of Scotland, and the solemn league and covenant of the three nations, and against the several steps of defection from the same, both in former and present times." It is to be regretted that among the sins complained of in this declaration was the repeal of the laws against witchcraft.

An event happened during this year which in itself was only important in consequence of the long political calm that had prevailed. Although much had been done for the improvement of Scotland during this period, much more might have been done, but for the obstacles thrown in the way of improvement by the selfishness and perversity, as well as by the ignorance and prejudices of the people. In this way nearly every effort to encourage the trade and commerce of the country had failed; and while the government was defrauded of its revenues in every possible way, individuals were enriching themselves by a contraband trade which was neither beneficial to the nation nor to people in general. An immense sum of money is said to have been exported annually for the single article of brandy which was *smuggled* into the country. The trade of the smuggler was indeed carried on to an almost incredible extent, favoured both by the general sympathy of the population, who did not look upon it as a crime, and by the nature of the coasts, and it was the cause of many a daring encounter between the smugglers and the government authorities. One Andrew Wilson, of Pathhead, carried on this illegitimate trade, but he had recently sustained heavy losses by seizures. Wilson was evidently a man of desperate character, for, in retaliation, he associated himself with an innkeeper of Edinburgh, named George Robertson, who appears to have been a loser by the same cause, and having hired some others, they watched Stark, the collector of the district, as he was returning from his circuit, and having traced him to a lodging in Pittenweem, they broke into his room on the night of the 9th of January, 1736, and robbed him of his money. Having thus effected their purpose, they acted with so



little caution, that they were almost immediately apprehended and the property recovered. They were in due course brought to trial for the robbery, found guilty, and condemned to be hanged, and were appointed for execution on Wednesday, the 14th of April. On the Friday previous, an attempt was made by these and other prisoners to break out of gaol. Two horse-stealers, also under condemnation, who occupied the room above that in which they were confined, had contrived with some implements they had secretly obtained, to cut through the bars and grating of their window, and having hauled the smugglers up through a hole in the floor, they proceeded, about two o'clock in the morning, to make their escape. After one of the horse-stealers had been let down safely with a rope, Wilson the smuggler prepared to follow him, but being a stout man, he stuck fast in the grate, and he was not relieved from this disagreeable position without much difficulty. Before this was effected, the guard was alarmed, and secured all the prisoners except the one who had been let down and had made his escape. Wilson took this failure much to heart, considering himself to have been the cause of it, and he resolved on making a desperate attempt to effect at least the escape of Robertson, knowing that he had drawn him into the enterprise for which they were to suffer. The occasion for this attempt occurred in the tollbooth church, where it was the custom to take condemned criminals to hear sermons the sabbath before their execution. Wilson and his companion were accordingly conducted to the church by four soldiers on the Sunday following the attempt to break out of prison, but they had no sooner taken their places, than Wilson, seizing two of the soldiers by the arms, cried out, "Geordie, do for your life!" and snatched a third by the neck of his coat with his teeth. Robertson, acting upon the suggestion, tripped over the fourth soldier, sprang over the seats, and rushed out of the church, and not only did the congregation make no effort to stop him, but the crowd outside the church closed after him as he passed through, and impeded pursuit. Wilson was immediately carried back to prison and carefully secured.

The general sympathy of the populace for smugglers, the boldness of the attempt to break out of prison, and his generosity in favouring the escape of his companion, had raised in the populace so strong a

feeling in favour of Wilson, that the magistrates anticipated an attempt to rescue him, and they not only doubled the guard at the prison, but ordered the officers of the trained bands and the constables to attend at the execution, and served out ammunition to the town guard. The Welsh fusileers, who were at this time in Edinburgh, were also drawn out on this occasion, to be ready to support the authorities in case of need. An immense crowd was assembled to witness the execution of Wilson, but there was no riot or disorder of any kind, until, as the executioner was ascending the ladder to cut the body down, a party of idle boys who were among the spectators threw a shower of stones at him. Some of the town guard were struck by the stones, upon which their commander, captain Porteous, in a great rage, and without reading the riot act or consulting with the magistrates, although they were in a room close at hand, fired upon the populace, and ordered his men to do the same, by which several people were killed or wounded. It was said that one of the magistrates narrowly escaped from a ball which was accidentally turned from its course. As the town guard marched away up the West Bow, followed by the mob, a few shots were fired which also did execution. In all, four men were killed, and eleven severely wounded, and two of the latter died of their wounds. The public indignation at this unprovoked outrage was extreme, and the same evening captain Porteous was arrested and committed to prison. He was kept in confinement till the 19th of July, when he was tried and convicted, on the direct testimony of several witnesses, of having with a fusc, which he received from a soldier, shot one young man dead upon the spot, and ordered the guards to fire among the crowd, thus causing several others to be killed or wounded. He was sentenced to be hanged on the 8th of September. As the time approached, application was made to the crown through the duke of Argyle in his favour, and the queen-regent (in the king's absence) sent a reprieve of six weeks, for the purpose of making proper inquiry. Porteous had made himself extremely unpopular by the harshness with which he had always exercised his authority; and he had twice before been engaged in encounters with the populace, especially in a late tumult at the violent settlement of Mr. Wotherspoon in the ministry of the West Kirk, in which some

of the mob had been wounded; but in all previous cases he had escaped without inquiry, it was supposed through the influence of provost Campbell, whose house-keeper he had married. The news of the reprieve, therefore, caused a general feeling of indignation, and a design was immediately formed for carrying the sentence into execution in spite of it. The whole proceeding was planned with so much secrecy, that, though much threatening language had been bandied about, none of the authorities expected any violent outbreak of popular feeling which they were not fully prepared to suppress.

In the evening of the day before that originally fixed for the execution, between nine and ten o'clock, a body of men suddenly seized the drum of the suburb of Portsburgh, and carried with them the drummer's son to beat it. They then closed the West Port, and having rapidly collected a crowd by beat of drum, they also made fast the Nether Bow Port, by which the troops quartered in the Cannongate were prevented from entering the town. They next took possession of the guard-house, and armed themselves with the weapons they found there. Having now sent parties to secure the other gates, they were complete masters of the city, and proceeded to carry their design into effect without interruption, having merely placed a guard across the High-street, to prevent all but their own associates from passing. The magistrates were by this time alarmed, and assembling together, they dispatched a messenger with a verbal request to general Moyle that he would lose no time in coming to their assistance; but the general returned for answer that he could not move without a written order, and this could not now be sent. The magistrates themselves went out and made an attempt to induce the rioters to desist, but they were soon driven away, and were glad to find themselves in a place of security. The mob had now procured a tar barrel and other combustibles, with which they set fire to the door of the prison, and thus soon forcing a way in, they took his keys from the keeper, and set all the prisoners at liberty but Porteous, whom they rudely dragged down the stairs by the heels, in spite of his urgent cries for mercy. They first carried their victim to the top of the Lawnmarket, where it was proposed by some to hang him on the weigh-house; but this was overruled by

some who appeared to have authority with the populace. He was next taken down the West Bow, and led to the gallows stone, where he was ordered to kneel and confess his sins, and not to forget among them the murderous slaughter he had been the author of in that place. A party of the rioters, meanwhile, had broken into a neighbouring shop, and taken from it a coil of rope, leaving the money for it on the counter. With this rope round his neck, regardless of his struggles and continued entreaties for mercy, they drew their victim up to a dyer's beam; but one of his hands having got free, he grasped the noose in an agony of despair, upon which a man struck him with a paddle, and he was let down to have his hands tied more firmly. When they had drawn him up a second time, it was observed that his face was uncovered, and, perhaps thinking that the omission of this part of the hangman's duty detracted from the ignominy of the punishment, they let him down again, and having thrown one of his shirts over his head (for it appears he had two), they drew him up a third time, and nailed the rope to a tree. The chief actors then saluted each other, grounded their arms, and separated, and, from the direction they took, it was supposed that they went into the country. This outrage was completed about midnight, and nobody ventured to touch the body till five o'clock next morning.

The authorities were thrown into astonishment by the boldness of these proceedings, and they were still more amazed that they had been so well concerted, that no trace whatever could be discovered of those who had been the actors in them. The magistrates, who were alarmed at their own responsibility, made every effort to discover them, and upwards of two hundred persons were arrested and examined, but in vain. A reward of two hundred pounds was offered by the queen-regent, but with no better results. In this state of mysterious uncertainty, a variety of conjectures and rumours were set abroad, and it was believed by many that the tumult proceeded from a deep conspiracy among the enemies of the existing government, and that the actors in it were screened from discovery by the influence of persons of rank. The enemies of the government, on the other hand, ascribed the whole to the mismanagement of the earl of Islay, who was the chief director of the affairs of Scotland. Others endea-



voured to make out a connexion between this tumult and the riot at the West Kirk, and wished to place it to the account of the evangelical party in the church. Under these circumstances, the further investigation of the affair was left to the parliament, the session of which was not opened till the 1st of February, 1737.

In the beginning of this session, lord Carteret, in discussing the king's speech which alluded to the different outrages of this kind, recapitulated the several tumults and riots which had lately happened in different parts of the kingdom. He particularly insisted upon the atrocious murder of captain Porteous, as a flagrant insult upon the government, and a violation of the public peace, so much the more dangerous, as it seemed to have been concerted and executed with deliberation and decency. He suspected that some citizens of Edinburgh had been concerned in the murder; not only from this circumstance, but likewise because, notwithstanding the reward of two hundred pounds, which had been offered by proclamation for the discovery of any person who acted in that tragedy, not one individual had as yet been detected. He indirectly intimated that the magistrates had encouraged the riot, and that the city had forfeited its charter; and he proposed a minute inquiry into the whole affair. He was seconded by the duke of Newcastle and the earl of Islay; though this last nobleman differed in opinion with him in respect to the charter of the city, which, he said, could not be justly forfeited by the fault of the magistracy, as the royal burghs were protected by the act of union. The lords resolved, that the magistrates and other persons from whom they might obtain the necessary information concerning this riot should be ordered to attend, and that an address should be presented to his majesty, desiring that the different accounts and papers relating to the murder of captain Porteous might be submitted to the perusal of the house. These documents being accordingly examined, and all the witnesses arrived, including three Scottish judges, a debate arose on the manner in which these last should be interrogated, whether at the bar, at the table, or on the woolsack. Some Scottish lords asserted, that they had a right to be seated next to the judges of England: but after a long debate this claim was rejected, and the judges of Scotland appeared at the bar in their robes. A bill

was subsequently brought in to disable Alexander Wilson, esquire, lord provost of Edinburgh, from enjoying any office or place of magistracy in the city of Edinburgh, or elsewhere in Great Britain; for imprisoning the said Alexander Wilson; for abolishing the guard of that city; and for taking away the gates of the Nether Bow Port, so as to open a communication between the city and the suburbs, in which the king's troops were usually quartered. The duke of Argyle argued against this bill as harsh or unprecedented, inasmuch as he believed there was no instance of the whole weight of parliamentary indignation—for such he called a proceeding by a bill *ex post facto*—falling upon any single person, far less upon any community for crimes that were within the reach of the inferior courts of justice: for this reason he observed, that if the lord provost and citizens of Edinburgh should suffer in the terms of the present bill, they would suffer by a cruel, unjust, and fantastical proceeding; a proceeding of which the worst use might be made, if ever the nation should have the misfortune to fall under a partial, self-interested administration. He told them he sat in the parliament of Scotland when that part of the treaty of union relating to the privileges of the royal burghs was settled on the same footing as religion; that is, they were made unalterable by any subsequent parliament of Great Britain. The bill was nevertheless sent down to the house of commons, where it produced a violent contest. The commons set on foot a severe scrutiny into the particular circumstances that preceded and attended the murder of Porteous: from the examination of the witnesses it appeared that no freeman or citizen of Edinburgh was concerned in the riot, which was chiefly composed of country people, said to have been excited by the relations of some unhappy persons whom Porteous and his men had slain at the execution of the smuggler; and these were assisted by apprentice-boys and the lowest class of vagabonds that happened to be at Edinburgh: that the lord provost had taken all the precautions to prevent mischief that his judgment suggested; that he even exposed his person in his endeavour to disperse the rioters; and that, if he had done amiss, he erred from want of judgment. It likewise appeared that Mr. Lindsay, member for the city of Edinburgh, had gone in person to general Moyle, commander of the forces in North Britain, in-

formed him of the riot, implored his immediate assistance, and promised to conduct his troops into the city; and that his demand was rejected, because he could not produce a written order from the magistracy, which he neither could have obtained in such confusion, nor ventured to carry about his person through the midst of an enraged populace. The Scottish members exerted themselves with great earnestness in defence of their capital, and they were joined by the English leaders of the opposition. Lord Polworth declared, that if any gentleman would show where one argument in the charge against the lord provost and

the city of Edinburgh had been proved, he would that instant give his vote for the commitment of the bill. He said, if gentlemen would lay their hands upon their hearts, and ask themselves, whether they would have voted in this manner had the case of Edinburgh been that of the city of Bristol, York, or Norwich, he was persuaded they would have required that every tittle of the charge against them should have been fully and undeniably proved. Some amendments and mitigations being inserted in the bill, it passed the house, was sent back to the lords, who agreed to the alterations, and it then received the royal assent.

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## CHAPTER VII.

FURTHER DIVISIONS IN THE CHURCH; NEW THREAT OF AN INVASION; ARRIVAL OF THE YOUNG PRETENDER IN SCOTLAND.

I HAVE already stated that it was supposed by some that the receding ministers in the church were the real promoters of the Porteous riot, and this supposition was soon taken hold of, apparently as a political handle, in higher quarters. The duke of Argyle, who was perhaps deceived by the representations of others, took this view of the case, and spoke of the seditious tendency of the principles inculcated by these "fanatical preachers." An act had been passed, which made it a capital crime to conceal any persons guilty of the murder of Porteous; and, either as an act of spitefulness against the evangelical ministers, or as a test of their loyalty, it was ordered, at the suggestion of the Scottish members, that this act should be read by each minister of the established church of Scotland from his pulpit on the first sabbath of every month during one year, "under the pain of being declared incapable of sitting or voting in any church judicatory, and the penalty to be enforced by the civil power." This was an injudicious and somewhat tyrannical proceeding, calculated at any time to give great offence to all consistent presbyterians, and accordingly it was disobeyed by some, and others contrived to evade it, but the great mass of the clergy complied, and this compliance was looked upon by the seceders

as another proof of the debased condition of the kirk. The seceders themselves had been increasing in numbers, and were strengthened by the accession of several ministers of high character, and they proceeded to perfect their organisation, instituting a professorship of divinity, and adopting other measures for the education of young men for the ministry and for the extending of presbyterian principles in their purity. The moderate party, on the other hand, finding themselves supported by the civil power, which had become suspicious of the loyalty of the others, began to be careless of the separation which had taken place, although they still declared their anxiety for a reconciliation, and professed to act towards their seceding brethren in the spirit of meekness, brotherly love, and forbearance. In the assembly of 1737, the subject was hardly mentioned; but that of 1738 ordered the commissioner to prepare the case of the seceders to be laid before the general assembly of the following year for final judgment. In the meantime every effort was to be made to recall the seceders by conference and persuasion. This course having failed, they were cited to appear before the general assembly in 1739. They appeared accordingly, but instead of answering to the charges which were read against them, they



gave in what they called "an act of the associate presbytery, finding and declaring that the present judicatories of this national church are not lawful nor right constitute courts of Christ, and declining all authority, power, or jurisdiction, that the said judicatories may claim to themselves, over the said presbytery, or any of the members thereof, or over any that are under their inspection, and particularly declining the authority of a general assembly now met at Edinburgh the 10th of May." In accordance with this act, the seceders refused to obey another summons to appear before the general assembly, which body, after considerable discussion of the matter, agreed to refer the final decision of it to the general assembly of 1740, with a strong recommendation to pronounce the sentence of deposition against all the ministers who held to the act and declination of the associate presbytery. The assembly at the same time ordered to be published a narrative of the controversy, in which they described their own efforts to bring over the seceders by treating them with indulgence, and yielding on every point where they could submit prudently and conscientiously, and the obstinacy of their opponents in refusing any terms but such as were absolutely impracticable. The seceders naturally defended themselves, and the country was for a long time deluged with pamphlets on both sides of this now all-absorbing question. When the general assembly met in the May of the year 1740, the only course left them to pursue, was formally to depose the disobedient ministers, prohibiting them any longer to exercise the ministry, and declaring their parishes vacant. Still it cannot be denied that the general assembly continued to act with exemplary moderation. Although the sentence of deposition had been pronounced in the May of 1740, the assembly of 1741 was allowed to pass over without any further proceedings against the seceders, and it was only in 1742 that another assembly ordered steps to be taken to enforce its execution. The deposed ministers yielded, without any attempt at resistance.

The political relations of the empire were now assuming a new and threatening character. War had broken out with Spain in 1739, in which it was generally foreseen that the latter power would before long be joined by France. This was an event which could not fail to revive the hopes of the

jacobites, and the state of Scotland became a subject of the utmost importance, though it does not appear to have received its due attention from the government. The influence of faction was indeed at this moment so strong, that many measures highly calculated for the advantage of the nation were abandoned in consequence of the clamours of the opposition. Among these was a proposal for attaching the highlanders to the government, by Duncan Forbes, who had in 1737 been raised to the dignity of lord president of the court of session. This proposal, which was suggested late in the year 1738, when it was evident that war could not be long averted, will be best stated in his own words:—"A war with Spain," he said, in a discourse with the lord justice-clerk, "seems near at hand, which it is probable will be soon followed by a war with France, and there will be occasion for more troops than the present standing army; in that event I propose that government should raise four or five regiments of highlanders, appointing an English or Scottish officer of undoubted loyalty to be colonel of each regiment, and naming the lieutenant-colonels, majors, captains, and subalterns, from this list in my hand, which comprehends all the chiefs and chieftains of the disaffected clans, who are the very persons whom France and Spain will call upon in case of a war to take arms for the pretender. If government fore-engages the highlanders in the manner I propose, they will not only serve well against the enemy abroad, but will be hostages for the good behaviour of their relations at home, and I am persuaded it will be absolutely impossible to raise a rebellion in the highlands." This proposal was approved by Walpole, but was rejected by the privy council, who were afraid to face the anticipated clamours of the opposition that this highland army was to support the government in an attack upon the constitution. Next year, however, an imperfect plan of a similar kind was adopted, which was so far mismanaged as to lead to some disadvantageous results. We have already seen that six independent companies of highlanders in the pay of the government had been formed in 1725, and were encamped with the regular troops at Inverness. After the disarming of the clans, these companies were stationed in different parts of the highlands, and had remained so ever since. It was proposed now to raise four additional com-

panies, and form the whole into a highland regiment, under the command of the earl of Crawford and Lindsay; but in carrying this plan into effect, offence was given to some who were overlooked in the nomination of officers, and especially to the lord Lovat, who from this moment became a devoted partisan of the pretender.

By the exertions of this notorious nobleman, a jacobite association was formed secretly in Edinburgh early in the year 1740. It consisted in the first instance of Lovat himself, Drummond who had been created by the pretender duke of Perth, his uncle lord John Drummond, lord Traquair, sir James Campbell of Auchinbreck, and Cameron of Locheil. These conspirators subscribed a bond by which they undertook to risk their lives and fortunes for the pretender, and to take up arms as soon as France could give them reasonable support; and the bond was sent by Drummond of Bohaldy to the pretender, who was living neglected and almost forgotten at Rome. The pretender immediately dispatched this document, with a list of the chiefs who were friendly to his cause (which had been also brought by Drummond), to the king of France, and from this time the correspondence between that court and the pretender was renewed. After the fall of sir Robert Walpole's ministry, the policy of the government with regard to Scotland showed less prudence and foresight even than before, while the warning voice of the lord president Forbes had less influence since his friend the duke of Argyle had joined the opposition. Much discontent was caused in Scotland by the increase of taxation which was naturally called for by the war, and by other causes, and at this moment, the English ministry, without consulting Forbes on the subject, resolved upon a measure of singular imprudence—that of sending the highland regiment, which had been raised only for home service, to the continent, to recruit the English army there. To make matters worse, the regiment was marched south under false pretences, imagining only that it was for the purpose of review in England.

The opinion expressed by Duncan Forbes in a letter of expostulation, written as soon as he was made acquainted with the minister's intention in this matter, is interesting for the view it gives us of the state of the highlands at that time, and is remarkable for the penetration with which the writer seems to have divined what was already

going on amongst the highland chiefs. After expressing in general terms his uneasiness at the removal of the highland regiment, and his fears that in case of a war with France that court would make an attempt to raise the jacobite clans, he goes on to say:—"The ease of Scotland, so far as I understand it, is, that jacobitism is at a very low pass compared with what it was thirty years ago; yet I will not be so sanguine as to say, that the fire is totally extinguished, or even that what lurks may not be blown up into a flame, if France, besides words which she has always ready, will give some money; and the countenance of force—I say the countenance of force, because I fear a small one—seconded with money and promises, might spirit up unthinking people, who cannot perfectly judge what force may be sufficient to secure the execution of his designs. Should he fling out half-a-dozen battalions into the highlands, and these be joined by three thousand banditti, what sort of confusion must that make on the island? what diversion to his majesty's troops? what interruption to his designs? The enterprise, I verily believe, would at last be baffled, and the invaders would be lost to France, but still an infinite deal of mischief would be wrought at a small expense to that crown, and this is what distinguishes an attempt in the highlands of Scotland from one in any place to the southward. A small number would suffice to raise, with those that might be brought to join them, a lasting and a very dangerous confusion. Having thus stated to you the danger I dread, I must, in the next place, put you in mind that the present system for securing the peace of the highlands, which is the best I ever heard of, is by regular troops stationed from Inverness to Fort William, along the chain of lakes which in a manner divides the highlands, to command the obedience of the inhabitants of both sides, and by a body of disciplined highlanders, wearing the dress and speaking the language of the country, to execute such orders as require expedition, and for which neither the dress nor the manners of the other troops are proper. These highlanders, now regimented, were at first independent companies, and though their dress, language, and manners, qualified them for securing the low country against depredations, yet that was not the sole use of them; the same qualities fitted them for every expedition that required secrecy and dispatch; they



served for all purposes of hussars, or light horse, in a country where mountains or bogs render cavalry useless; and if properly dispersed over the highlands, nothing that was commonly reported or believed by the highlanders could be a secret to their commanders, because of their intimacy with the people, and the sameness of their language. Now, let me suppose that France was to attempt an insurrection in the highlands, which must be prepared by emissaries sent to cajole, to cabal, to promise to pay, to concert, and by arms and ammunition imported and dispersed; and let me suppose this highland regiment properly disposed and properly commanded, is it not obvious, that the operations of such emissaries must be discovered, if not transacted with the utmost secrecy? that the highlanders who suffered themselves to be tampered with by them, must do so under the strongest apprehension of being taken by the neck by detachments of that regiment, if their treason were heard of? and that of course they must be shy of meeting or transacting with the agent of the pretender, or of caballing, mustering their followers, or receiving or distributing arms? Now, on the other hand, let me suppose the same attempt to be made, and the highland regiment in Flanders; let me beg to know what chance you could have of discovering or preventing the attempt of any tampering in the highlands. Could any officer, or other person entrusted by government, go through the mountains with an intention to discover such intrigues, with safety? Would the pretender's emissaries, or the highlanders who might favour them, be in any apprehension from the regular troops? Could you propose, with any probability of success, to seize arms or attainted persons? Nay, suppose the government had direct intelligence of the projects carried on, where or by whom could they hope to surprise or lay hold on any one person? These questions, I dare say, you can easily answer, and with me can see that if France should stumble upon such a design as I have been supposing, remove but that regiment, and there is nothing to hinder the agents of that crown to have their full swing, and to tamper with the poor unthinking people of the highlands, with as great safety as if there were no government at all in the island. I will say more; I doubt not but in many places of that country, if the people would be prevailed with to rebel, they might receive

arms, and be in some sort disciplined, for many weeks before the government could have certain notice of it." There is a peculiar interest in this letter when we compare its almost prophetic language with the events which soon followed.

The highland regiment was ordered to London in the month of March of the year 1743, for the purpose, as was announced publicly, of being reviewed by the king in person, and without the slightest suspicion of any ulterior design. In their march through England they were treated everywhere with extraordinary hospitality, and were gratified by the praise which all bestowed on their fine appearance. The last division reached London on the 30th of April, and learnt to their astonishment that the same day the king and the duke of Cumberland had sailed for the continent. During the fortnight which followed, people who were opposed to the government and anxious to create embarrassment for it, went about among them and reported that they had been brought from the north in order to be transported to the plantations, and represented the whole as a mere trick to banish the highlanders from their native homes. The deception which had been already practised upon them, led many to give easy credit to such stories, and they began to be extremely distrustful. On the 14th of May, the regiment was reviewed by general Wade, who had been now raised to the grade of marshal, and their handsome appearance, as well as their excellent discipline, received the most enthusiastic applause; but they remarked not only the absence of the king, who was abroad, but of every member of the royal family, and their suspicions were increased. Their thoughts were now set upon returning to Scotland, and on the night of the 17th of the same month, a considerable body of them assembled on a common near Highgate, and thence began their march northward, hoping by their activity and power of supporting fatigue to reach their mountains before they were overtaken. In this, however, they were mistaken, for, on the evening of the 19th, a squadron of Wade's horse, under the command of captain Ball, sent in pursuit of them by general Blakeney, found them in Lady Wood, near Oundle, in Northamptonshire, and general Blakeney himself arriving soon after, they were effectually surrounded by the troops. When they found this to be the case, they sent to

inquire what terms they might have, and they were ordered to lay down their arms and surrender at discretion. This they refused to do, and declared that they would die fighting unless they had a promise of pardon and were allowed to retain their arms. At length, however, after showing much reluctance, they surrendered, the general having promised to give a favourable report of them. They were marched back to the Tower, where three of them were tried by court-martial and shot, and the others, about two hundred in number, were distributed among the stations in the Mediterranean and the West Indies. The rest of the regiment were embarked for the continent, where they distinguished themselves by their bravery and good conduct. They were afterwards known as the forty-second regiment. In the highlands they had been known by the popular name of the Black Watch.

Meanwhile, the suspicions of Duncan Forbes were by no means groundless, for foreign agents were already busily though secretly employed in preparing the highlands for insurrection. The French government were glad of the prospect of giving England occupation for her arms at home, and when Drummond arrived at that court with the papers from the pretender, cardinal Fleury, who then headed the ministry, received him with favour, and promised assistance. Drummond returned secretly to Edinburgh in the beginning of February, 1742, to communicate this promise to the conspirators. The latter had now increased in numbers, and had formed themselves into a secret society, which they named, "*The concert of gentlemen for managing the king's affairs in Scotland.*" On receiving Drummond's communications, and learning the promises of assistance from France, a plan was arranged by this society, that, as soon as they had obtained a bond of association from the leading jacobites of England, signed in the same manner as their own, France should send a force of at least thirteen thousand men, whom it was proposed to distribute as follows:—Fifteen hundred were to be landed near Lochiel in Inverness-shire, for the western highlands; the same number were to be put on shore at Inverness, to raise the eastern highlands; and the remaining ten thousand, with the pretender himself, were to be landed in England, as near to London as possible. Drummond returned to France with this

plan, which was fully approved by Fleury. The Scottish conspirators were now extremely sanguine, but hearing nothing further from France for some time, they began to be alarmed, and Murray of Broughton was dispatched to Paris for the purpose of ascertaining the true state of affairs there. On his arrival, he found that cardinal Fleury was dead, and that he had been succeeded in the direction of the government by cardinal Tencin, who entered into the design with the same earnestness as his predecessor. The attempt to obtain a bond from the English conspirators had failed, for they were too cautious to give their names in writing; nevertheless, the French minister gave an assurance that the king had the interests of the pretender much at heart, and that he intended to seize the first favourable opportunity to carry the plan they proposed into execution.

Nor, on this occasion, were the assurances of the French court empty promises. Although France was not yet at war with Great Britain, a fleet was assembled at Dunkirk, Calais, and Boulogne, and troops were secretly assembled on that coast under the command of the comte de Saxe. The old pretender had now, for some time, been left in neglect, and, as he was not considered fit for the present purpose, it was agreed that he should delegate his pretensions to his eldest son, Charles Edward, who was subsequently known as the young pretender, and who was then looked upon as a youth of promising talents, and of a brave and enterprising character. This point being thus settled, the troops designed for this expedition, which are said to have amounted to fifteen thousand, began their march to Picardy, and it was determined that they should be landed in Kent, under convoy of a strong squadron equipped at Brest, and commanded by Monsieur de Roquefeuille. Prince Charles departed from Rome about the end of December, 1743, in the disguise of a Spanish courier, attended by one servant only, and furnished with passports by cardinal Aquaviva. He travelled through Tuscany to Genoa, from whence he proceeded to Savona, where he embarked for Antibes, and pursuing his journey to Paris, had there a private audience of the king, and then set out, still in disguise, for the coast of Picardy. The secrecy of his journey to France had not, however, been kept well, and the British ministry was apprised of it, and then for the first time they



understood the destination of the armaments which they knew had been prepared at Brest and Boulogne. Mr. Thompson, the English resident at Paris, received orders to make a remonstrance to the French ministry, on the violation of those treaties by which the pretender to the crown of Great Britain was excluded from the territories of France; but he received for answer, that his most christian majesty would not explain himself on that subject, until the king of England should have given satisfaction for his infractions of the same treaties. In January, 1744, M. de Roquefeuille sailed from Brest with twenty ships of war, directing his course up the English channel; intelligence of which was carried by an English cruiser to Plymouth; and sir John Norris was immediately dispatched with the squadron at Spithead, which was joined in the Downs by another fleet from Chatham, forming together a much stronger force than that of the enemy.

The preparations at Boulogne and Dunkirk were carried on with great diligence under the eye of prince Charles, and seven thousand men were actually embarked. M. de Roquefeuille sailed up the channel as far as Dungeness, where he anchored and whence he detached M. de Barreil with five ships to hasten the embarkation at Dunkirk; but soon after he was gone, the French admiral was astonished, on the 24th of February, by the appearance of the British fleet under sir John Norris doubling the South Foreland from the Downs; and though the wind was against him, taking the opportunity of the tide to come up and engage the French squadron. Roquefeuille, who little expected such a visit, immediately called a council of war, at which it was determined, as the state of the tide protected them for some hours from an attack, to weigh anchor at sunset, and return to the port from whence they had set sail. This resolution was favoured by a heavy gale of wind, which began to blow from the north-east, and carried them down the channel with incredible rapidity. A great number of their transports were driven ashore and destroyed, and the rest so damaged that they could not be speedily repaired. The design of invasion was thus completely defeated, and the French generals nominated to serve in this expedition returned to Paris, while prince Charles was obliged to wait for a more favourable opportunity. The French king had now gone too

far to withdraw, and war against the king of Great Britain was proclaimed on the 20th of March. A declaration of war against France was published in London on the 31st of March. On the 5th of June, sir Hector M'Lean, George Bleau of Castlehill, and Lachlan M'Lean, sir Hector's servant, were apprehended in the Canongate of Edinburgh, on suspicion of being in the French service, and of enlisting men there. After several hours' examination by the king's advocate and solicitor, and some gentlemen of the army, they were committed; sir Hector to the castle, Mr. Bleau (who was many years afterwards hanged for murder) to the gaol of that city, and Lachlan M'Lean to that of the Canongate. They were sent thence under a strong guard to London, where they underwent a long examination, and were afterwards remanded back into the messenger's custody.

In the brief course of these events, effectual measures were taken to protect the English coasts against invasion, and, as the parliament was then sitting, a bill was passed for suspending the habeas corpus act; some arrests were made, and papists and non-jurors were placed under more rigorous surveillance. Yet by a strange neglect, although the government expressed its fears for Scotland, no steps were taken to secure and protect that part of the united kingdom.

In the midst of these threatening symptoms from abroad, the disputes in the Scottish church continued. Simpson had been succeeded in his professorship at Glasgow by William Lecchman, one of the moderate party, who was no sooner installed, than the evangelicals brought a charge of corrupt doctrine against him, on account of a sermon he had published previous to the appointment to the professorship, on "The Nature, Reasonableness, and Advantage of Prayer." This sermon was brought under the consideration of the presbytery of Glasgow, upon which the professor himself immediately laid his complaint before the synod. The latter body, having heard Lecchman's explanations, fully acquitted him. The presbytery, which had formed a different opinion, appealed against this decision to the general assembly. The assembly confirmed the judgment of the synod, and declared the professor free from blame. There were some, however, to whom this sentence did not give satisfaction, and it was the ground of new disagreements. Disputes had also arisen among the seceders,

and one party, under Mr. Nairne, separated from the rest, and formed themselves into what they called *the reformed presbytery*.

The war between England and France interrupted the communications between the pretender and his partisans in Scotland, who passed the earlier part of the year 1744 in anxious uncertainty as to his intentions. Towards autumn, however, Murray of Bronghton again ventured to Paris to endeavour to obtain some satisfactory intelligence, and he was there introduced to prince Charles Edward, who was eager to proceed to Scotland, having been persuaded by his friends who were about him that the whole country was ready to rise in his favour. Murray did what he could to disabuse him on this point, and when he heard that there was now no hope of effective or immediate assistance from France, he assured him that any attempt under such circumstances would be little better than madness, and that it could only lead to the ruin of his friends. Charles, however, would listen to no reason, but, with a selfish disregard of the misery he was going to bring upon his friends, he told him that he was determined to go to Scotland in person, and throw himself upon the loyalty of his subjects there. Murray brought back this intelligence to the conspirators, who were in the utmost alarm, and resolved to send another message as quickly as possible to beg him to relinquish this design. A letter to this purpose was written in the month of January, 1745, but by some accident or other it was never sent, and in the month of June they were still more astonished by a direct communion from the young pretender, informing them of his intention to be in Scotland before the end of the month. Another still more urgent letter was now written to him, insisting upon his returning to France without landing, which was to be conveyed to him whenever and wherever the vessel which carried him should approach the coast. Lovat, who earnestly deprecated the rashness of the proceeding, communicated with the other highland chiefs of the jacobite party, and they were all agreed that they would not take up arms in that conjuncture, and that the pretender should not be suffered to land.

The young pretender, buoyed up with the accounts given him by the advisers in whom he mistakenly put his trust, informed the French government that he had resolved upon proceeding to Scotland, but he could

obtain from them no assistance. Nevertheless, with the help of two merchants, the sons of Irish refugees in France, Messrs. Walsh and Rutledge, he contrived to fit out a small armament, consisting of the *Elizabeth*, an old man-of-war, of sixty guns, taken from the English in the former war, and the *Doutelle*, a privateer of sixteen guns. He carried with him about four thousand pounds in money, a body of a hundred picked men, raised by lord Clare, and two thousand muskets, and five or six hundred broadswords. His companions on this hazardous expedition were the marquis of Tullibardine; only two other Scotchmen, Aeneas Macdonald, the brother of the laird of Kinlochmoidart, and Buchanan, a man who had been employed as a messenger between the cardinal Tencin and the old pretender; four Irishmen, his former tutor sir Thomas Sheridan, sir John Macdonald, an officer in the Spanish service, and Sullivan and Kelly, the latter of whom had been secretary to Atterbury; an English gentleman named Francis Strickland; and three or four French and Italian servants. With these he embarked on board the *Doutelle*, and set sail, according to his promise, in the latter end of June, 1745. He was joined off Belleisle by the *Elizabeth*, which carried his money and stores, but they had not proceeded far in company, when they were encountered by the *Lion*, an English sixty-gun ship, and prince Charles left the *Elizabeth* to engage this formidable antagonist, while he made the best of his way with the *Doutelle* to Scotland. The battle between the two men-of-war was so obstinate that both were nearly disabled, and the *Elizabeth* made her way back with difficulty to the harbour of Brest. On his arrival among the western islands, Charles first ran in the sound between north Uist and Eriskay, where he had been obliged to seek shelter from three suspicious sails which had been observed. He landed on the latter island, having assumed the disguise of a priest, and passed the night on shore, but returned on board his vessel next morning. He had learnt that the chief of Clanronald, with his brother, Maedonald of Boisdale, were at South Uist, and having dispatched a messenger thither, Maedonald of Boisdale went on board the vessel in the morning, and was received in state. He, however, informed the prince of the determination of the highlanders not to take up arms, conjured him to desist from his enterprise, and return to



France, and then, finding him obstinately bent on proceeding, left him and returned on shore.

The prince next anchored in the bay of Lochnanuagh, where Æneas Macdonald landed and brought back with him his brother and the young chief of Clanronald, with the Macdonalds of Glenaladale and Dalily, and another gentleman of the clan. They were received in a tent erected on deck, under which there was a plentiful supply of refreshments, the marquis of Tullibardine, whom the jacobites always addressed by the title he had forfeited of duke of Athol, acting as master of the ceremonies. While the rest were regaling themselves, Charles retired with Kinloch-Moidart and young Clanronald, and remained with them we are told nearly three hours on the deck before he could overcome their scruples. They expostulated with him on the madness of the undertaking, pointed out the certain destruction it would bring on themselves and their friends, and positively refused to concur in it. At length Charles, after pacing the deck for some time in great agitation, turned suddenly to a younger brother of the chief of Kinloch-Moidart, who was standing near, and asked him if he would not assist him. The young man had become greatly excited at the conversation to which he had been listening, and he replied at once, "I will, even though not another man in the highlands should draw a sword!" "I wish," said the prince, in expressing his gratitude, "all the highlanders were like you." The pride of the two chiefs was touched by this reproachful allusion, and they were, unfortunately for themselves and their countrymen, weak enough to sacrifice their judgment to it.

Three days were spent on board the frigate in arranging the plan of operations, and then, while young Clanronald undertook to gain over sir Alexander Macdonald of Slate, in Skye, messengers were sent to the M'Leods and other friendly clans. On the 25th of July, Charles himself landed at Boradale in Lochaber, on the south shore of Lochnanuagh, in a district admirably suited for carrying on a design like this with security and secrecy. At first, however, the other highland chieftains showed no inclination to imitate the weakness of the Macdonalds; the chiefs of Skye refused to come forward; and Cameron of Lochiel, having, as soon as he heard of the prince's arrival, consulted with lord Lovat, waited

upon the prince to explain to him the hopelessness of his cause, and urged upon him in their joint names the necessity of abandoning the enterprise for the present. But Charles continued to be deaf to all the dictates of reason, and at length the balance was turned in favour of proceeding by the effect of a heartless taunt. In reply to Lochiel's representations of the certain ruin which would be brought on himself and his friends by embarking in such a project at that time, Charles replied,—“In a few days, with what friends I have, I will erect the royal standard, and proclaim to the people of Britain that Charles Stuart is come over to claim the crown of his ancestors, to win it or to perish in the attempt. Lochiel, whom my father has often told me was our firmest friend, may stay at home and learn the fate of his prince from the newspapers.” All the characteristic feelings of the highlanders were touched to the quick, and Lochiel replied, “No, I will share the fate of my prince, and so shall every man over whom nature or fortune has given me any power.” The moment it was known that Lochiel would take up arms, it was certain that his example would be followed by all the highland chiefs who favoured the cause of the Stuarts; and now, with at all events his prospects improved, Charles summoned the clans to assemble at Glenfinnan on the 19th of August, where he proposed to raise the royal standard.

Three days before this ceremony, the first blood was drawn between the pretender's adherents and the king's troops. The governor of Fort Augustus, having received some vague reports of a threatening character relating to the highlanders, dispatched two companies of infantry, under captain Scott, to reinforce the garrison of Fort William. On the 16th of August, as they were emerging from a narrow part of the pass between the mountains and the lochs Oich and Lochy, and approached a high bridge across the river Span, they were surprised by the sound of bagpipes, and saw before them a party of highlanders brandishing their swords. These were Macdonalds, led by the laird of Tierndreich, who had been watching the soldiers on their march, and now apparently wished to bar their further progress. After an attempt to parley, Scott, totally in the dark as to the number of his opponents, and conscious that his own men were mostly new recruits, began his retreat, and was allowed to go unmolested until he

had entered the narrowest part of the pass. The Macdonalds, however, had taken a short route over the mountains, and posted themselves in the wood of Longanachdrum, where the trees concealed their numbers (they were at this time only about a dozen), and from whence they opened their fire upon the soldiers as they approached. The noise of the musketry hastened the arrival of other parties of highlanders, and the Macdonalds were soon joined by Macdonald of Keppoch, and they pursued closely the soldiers, who were hastening forwards in the hope of gaining a place of safety. But captain Scott had not gone far before he saw a strong party of the Macdonnells of Glengarry approaching to cut off his retreat; and now being wounded himself, and seeing that it was impossible to save his men, he surrendered to Keppoch, who advanced alone to require the soldiers to prevent further slaughter by laying down their arms. They had already two killed and many wounded; while the highlanders had sustained no loss. Lochiel arrived soon after the soldiers had surrendered, and took charge of the prisoners.

Meanwhile the prince removed from Bora-dale to Kinloch-Moidart, whence he went to Glenaladale, and on the 19th of August he proceeded by water with twenty-five companions to the wild glen of Glenfinnan, which had been selected for the scene of the ceremony of raising his standard. Though it was noon when he arrived, Charles was disappointed at finding nobody to receive him. He entered a small hut, and waited with some anxiety, till at length it was relieved by the appearance of Lochiel, who marched in with nearly eight hundred of the Camerons, bringing with them the prisoners they had taken on the 16th. The standard was now raised, Tullibardine (or Athol), whose bodily weakness was such that he was obliged to be held up by two men, performing the principal part in the ceremony. The prince then produced a manifesto by his father addressed to his faithful subjects, whom he was going to restore to their liberties, and a commission constituting his son, under the title of prince of Wales, sole regent of the united kingdom, with full authority to act as such. These were both dated at Rome, on the 23rd of December, 1743, the period at which this attempt was first projected. These were followed by a manifesto from the prince himself, in his character of regent, which was dated at Paris, on the 16th of May,

1745. All these documents were printed and extensively circulated. About an hour after the ceremony was over, Keppoch arrived at the head of about three hundred men, and these, with the Camerons and a few others, formed the prince's first army, of which the Irishman, Sullivan, was appointed adjutant and quartermaster-general.

The three documents published on this occasion deserve to be preserved, as showing the principles upon which the last of the Stuarts pretended to claim the crown of Great Britain. The following is the text of James's declaration:—

*“James the Eighth, by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c. To all our loving subjects, of what degree or quality soever, greeting,—*Having always borne the most constant affection to our ancient kingdom of Scotland, from whence we derive our royal origin, and where our progenitors have swayed the sceptre with glory, through a longer succession of kings than any monarchy upon earth can at this day boast of, we cannot but behold with the deepest concern the miseries they suffer under a foreign usurpation, and the intolerable burdens daily added to their yoke, which become yet more sensible to us, when we consider the constant zeal and affection the generality of our subjects of that our ancient kingdom have expressed for us on all occasions, and particularly when we had the satisfaction of being ourselves amongst them. We see a nation, always famous for valour, and highly esteemed by the greatest of foreign potentates, reduced to the condition of a province, under the specious pretence of an union with a more powerful neighbour; in consequence of this pretended union, grievous and unprecedented taxes have been laid on, and levied with severity, in spite of all the representations that could be made to the contrary; and these have not failed to produce that poverty and decay of trade, which were easily foreseen to be the necessary consequences of such oppressive measures. To prevent the just resentment which could not but arise from such usage, our faithful highlanders, a people always trained up and inured to arms, have been deprived of them; forts and citadels have been built and garrisoned, where no foreign invasion could be apprehended; and a military government has been effectually introduced, as into a conquered country. It is easy to foresee what



must be the consequences of such violent and unprecedented proceedings, if a timely remedy be not put to them: neither is it less manifest, that such a remedy can never be obtained, but by our restoration to the throne of our ancestors, into whose royal hearts such destructive maxims could never find admittance. We think it needless to call to mind how solicitous we have ever been, and how often we have ventured our royal person, to compass this great end, which the Divine Providence seems now to have furnished us with the means of doing effectually, by enabling our good subjects in England to shake off the yoke under which they have likewise felt their share of the common calamities. Our former experience leaves us no room to doubt of the cheerful and hearty concurrence of our Scots subjects on this occasion, towards the perfecting the great and glorious work: but that none may be deterred by the memory of past miscarriages, from returning to their duty, and being restored to the happiness they formerly enjoyed, we, in this public manner, think fit to make known our gracious intentions towards all our people. We do therefore, by this our royal declaration, absolutely and effectually pardon and remit all treasons and other crimes hitherto committed against our royal father, or ourselves: from the benefit of which pardon we except none but such as shall, after the publication hereof, wilfully and maliciously oppose us, or those who shall appear, or endeavour to appear in arms for our service. We further declare that we will, with all convenient speed, call a free parliament; that, by the advice and assistance of such an assembly, we may be enabled to repair the breaches caused by so long an usurpation, to redress all grievances, and to free our people from the unsupportable burden of the malt-tax, and all other hardships and impositions, which have been the consequences of the pretended union; that so the nation may be restored to that honour, liberty, and independence, which it formerly enjoyed. We likewise promise, upon our royal word, to protect, secure, and maintain all our protestant subjects in the free exercise of their religion, and in the full enjoyment of all their rights, privileges, and immunities, and in the secure possession of all churches, universities, colleges, and schools, conform to the laws of the land. All this we shall be ready to confirm in our first parliament; in which we promise to pass any act or acts that shall be judged

necessary to secure each private person in the full possession of his liberty and property, to advance trade, to relieve the poor, and establish the general welfare and tranquillity of the nation: in all such matters we are fully resolved to act always by the advice of our parliaments, and to value none of our titles so much as that of *common father of our people*, which we shall ever show ourselves to be, by our constant endeavours to promote the quiet and happiness of all our subjects. And we shall be particularly solicitous to settle, encourage, and maintain the fishery and linen manufactory of the nation, which we are sensible may be of such advantage to it, and which we hope are works reserved for us to accomplish. As for those who shall appear more signally zealous for the recovery of our just rights, and the prosperity of their country, we shall take effectual care to reward them according to their respective degrees and merits. And we particularly promise, as aforesaid, our full, free, and general pardon to all officers, soldiers, and sailors, now engaged in the service of the usurper, whether of the sea or land, provided that, upon the publication hereof, and before they engage in any fight or battle against our forces, they quit the said unjust and unwarrantable service, and return to their duty: in which case we shall pay them all the arrears that shall be at that time due to them from the usurper; we shall grant to the officers the same commission they shall then bear, if not higher; and to all soldiers and sailors a gratification of a whole year's pay, for their forwardness in promoting our service. We further promise and declare, that the vassals of such as shall, without regard to our present declaration, obstinately persist in their rebellion, and thereby forfeit all pretensions to our royal clemency, shall be delivered from all servitude they were formerly bound to, and shall have grants and charters of their lands to be held immediately of the crown, provided they, upon the publication of this our royal declaration, declare openly for us, and join heartily in the cause of their country. And having declared our gracious intentions to our loving subjects, we do hereby require and command them to be assisting to us in the recovery of our rights, and of their own liberties: and that all our subjects, from the ages of sixteen to sixty, do, upon the setting up of our royal standard, immediately repair to it, or join themselves to such as shall first appear for us in their

respective shires; and also to seize the horses and arms of all suspected persons, and all ammunition, forage, and whatever else may be necessary for the use of our forces. We also strictly command all receivers, collectors, or other persons, who may be seised of any sum or sums of money levied in the name or for the use of the usurper, to retain such sum or sums of money in their own hands, till they can pay them to some person of distinction appearing publicly for us, and demanding the same for our use and service; whose receipt or receipts shall be a sufficient discharge for all such collectors, receivers, or other persons, their heirs, &c. Lastly, we do hereby require all sheriffs of shires, stewarts of stewartries, and their respective deputies, magistrates of royal boroughs, and bailies of regalities, and all others to whom it may belong, to publish this our declaration at the market-crosses of their respective towns and boroughs, and there to proclaim us, under the penalty of being proceeded against according to law, for their neglect of so necessary and important a duty. Given at our court at Rome, the 23rd day of December, 1743, in the forty-third year of our reign.—J. R.”

The commission of regency ran as follows:—“JAMES, R.—Whereas we have a near prospect of being restored to the throne of our ancestors, by the good inclinations of our subjects towards us; and whereas, on account of the present situation of this country, it will be absolutely impossible for us to be in person at the first setting up of our royal standard, and even some time after: we therefore esteem it for our service, and the good of our kingdoms and dominions, to nominate and appoint, as we hereby nominate, constitute, and appoint our dearest son Charles, prince of Wales, to be sole regent of our kingdoms of England, Scotland, and Ireland, and of all our other dominions, during our absence. It is our will and intention, that our said dearest son should enjoy and exercise all that power and authority, which, according to the ancient constitution of our kingdoms, has been enjoyed and exercised by former regents. Requiring all our faithful subjects to give all due submission and obedience to our regent aforesaid, as immediately representing our royal person, and acting by our authority. And we do hereby revoke all commissions of regency, granted to any person or persons whatsoever. And, lastly, we hereby dispense with all formal-

ties, and other omissions, that may be herein contained; declaring this our commission to be as firm and valid to all intents and purposes as if it had passed our great seals, and as if it were according to the usual style and forms. Given under our sign-manual and privy-signet, at our court at Rome, the 23rd day of December, 1743, in the forty-third year of our reign.—J. R.”

The following was the manifesto of the prince, which followed the publication of the other two:—“CHARLES, P. R.—By virtue and authority of the above commission of regency, granted unto us by the king our royal father, we are now come to execute his majesty's will and pleasure, by setting up his royal standard, and asserting his undoubted right to the throne of his ancestors. We do, therefore, in his majesty's name, and pursuant to the tenor of his several declarations, hereby grant a free, full, and general pardon for all treasons, rebellions, and offences whatsoever, committed at any time before the publication hereof, against our royal grandfather, his present majesty, and ourselves. To the benefit of this pardon we shall deem justly entitled all such of his majesty's subjects as shall testify their willingness to accept of it, either by joining our forces with all convenient diligence; by setting up his royal standard in other places; by repairing for our service to any place where it shall be so set up; or, at least, by openly renouncing all pretended allegiance to the usurper, and all obedience to his orders, or to those of any person or persons commissioned or employed by him, or acting avowedly for him. As for those who shall appear more signally zealous for the recovery of his majesty's just rights, and the prosperity of their country, we shall take effectual care to have them rewarded according to their respective degrees and merits. And we particularly promise, as aforesaid, a full, free, and general pardon to all officers, soldiers, and sailors now engaged in the service of the usurper, provided that, upon the publication hereof, and before they engage in any fight or battle against his majesty's forces, they quit the said unjust and unwarrantable service, and return to their duty, since they cannot but be sensible that no engagements entered into with a foreign usurper, can dispense with the allegiance they owe to their natural sovereign. And, as a further encouragement to them to comply with their duty



and our commands, we promise to every such officer the same, or a higher post in our service, than that which at present he enjoys, with full payment of whatever arrears may be due to him at the time of his declaring for us: and to every soldier, trooper, and dragoon, who shall join us, as well as to every seaman and mariner of the fleet who shall declare for, and serve us, all their arrears, and a whole year's pay to be given to each of them as a gratuity as soon as ever the kingdoms shall be in a state of tranquillity. We do hereby further promise and declare, in his majesty's name, and by virtue of the above said commission, that as soon as ever that happy state is obtained, he will, by and with the advice of a free parliament, wherein no corruption nor undue influence whatsoever shall be used to bias the votes of the electors or the elected, settle, confirm, and secure all the rights, ecclesiastical and civil, of each of his respective kingdoms; his majesty being fully resolved to maintain the church of England as by law established, and likewise the protestant churches of Scotland and Ireland, conformable to the laws of each respective kingdom, together with a toleration to all protestant dissenters, he being utterly averse to all persecution and oppression whatsoever, particularly on account of conscience and religion. And we ourselves being perfectly convinced of the reasonableness and equity of the same principles, do, in consequence hereof, further promise and declare, that all his majesty's subjects shall be by him and us maintained in the full enjoyment and possession of all their rights, privileges, and immunities, and especially of all churches, universities, colleges, and schools, conformable to the laws of the land, which shall ever be the unalterable rule of his majesty's government and our own actions. And that this our undertaking may be accompanied with as little present inconvenience as possible to the king's subjects, we do hereby authorise and require all civil officers and magistrates now in place and office, to continue, till further orders, to execute their respective employments, in our name, and by our authority, as far as may be requisite for the maintenance of common justice, order, and quiet: willing, and requiring them at the same time, to give strict obedience to such

orders and directions as may from time to time be issued out by us, or those who shall be vested with any share of our authority and power. We also command and require all officers of the revenue, customs, and excise, all tax-gatherers of what denomination soever, and all others who may have any part of the public money in their hands, to deliver it immediately to some principal commander authorised by us, and take his receipt for the same, which shall be to them a sufficient discharge; and in case of refusal, we authorise and charge all such our commanders to exact the same for our use, and to be accountable for it to us or our officers for that purpose appointed. And having thus sincerely, and in the presence of Almighty God, declared the true sentiments and intentions of the king our royal father, as well as our own in this expedition, we do hereby require and command all his loving subjects to be assisting to us in the recovery of his just rights and of their own liberties: and that all such, from the ages of sixteen to sixty, do forthwith repair to his majesty's royal standard, or join themselves to such as shall first appear in their respective shires for his service: and also, to seize the horses and arms of all suspected persons, and all ammunition, forage, and whatever else may be necessary for the use of our forces. Lastly, we do hereby require all mayors, sheriffs, and other magistrates, of what denomination soever, their respective deputies, and all others to whom it may belong, to publish this our declaration at the market-crosses of their respective cities, towns, and boroughs, and there to proclaim his majesty, under the penalty of being proceeded against according to law, for the neglect of so necessary and important a duty: for, as we have hereby graciously and sincerely offered a free and general pardon for all that is past, so we, at the same time, seriously warn all his majesty's subjects, that we shall leave to the rigour of the law all those who shall from henceforth oppose us, or wilfully and deliberately do or concur in any act or acts, civil or military, to the let or detriment of us, our cause, or title, or to the destruction, prejudice, or annoyance of those who shall, according to their duty and our intentions thus publicly signified, declare and act for us. Given at Paris, the 16th of May, 1745.—C. P. R."

## CHAPTER VIII.

### THE YOUNG PRETENDER AT EDINBURGH; BATTLE OF PRESTON-PANS; RESOLUTION TO MARCH INTO ENGLAND.

THE regency left to govern in England—for the king was on the continent—appear to have been taken by surprise by this expedition. They had received uncertain information that the pretended prince of Wales was on his way for Scotland, which led to the publication, early in August, of a proclamation offering the sum of thirty thousand pounds for his apprehension; but they seem not to have suspected that the two vessels with which the *Lion* had engaged were any portion of his armament. The first authentic and clear information of the landing of the pretender which reached the government, was received by Duncan Forbes, from the chief of the Macleods, to whom the young chief of Clanronald had been sent by prince Charles, but who, partly influenced by Forbes, remained steady in his allegiance to the existing government. Forbes at once communicated it to general sir John Cope, who then commanded the forces in Scotland. These forces were, unfortunately very small, for the defence of Scotland had always been neglected in a very extraordinary degree, while the act for disarming the highlanders, had been effected only among the loyal clans, and taken it out of their power to be useful in resisting the rebellion at its outset. In this respect, the position of the north is well described in a letter from the lord justice-clerk Milton, written on the 15th of September, to the marquis of Tweeddale, then secretary of state for Scotland. "Scotland," he says, "may be divided into two parts; the one disarmed, and the other unarmed. By the former I mean the highlands; and by the latter the lowlands. The former produces as good militia perhaps as any in Europe; the latter are neighbourlike, but little accustomed to the use of arms till they are employed in a military manner. The highlands, again, may be divided into three classes; first, what I shall call the whig clans, which have always bore that character since the names of whig or jacobite were known among us; of this sort, your lordship and every one acquainted with this country knows, that the chief are the Campbells, Grants, Monroes, Mackays, and Sutherlands. The second class

are the clans still properly jacobite, and who at this moment are giving proof of it—the Camerons, the Macdonalds of Keppoch, Clanronald, and Glengarry—none of their chiefs reckoned great princes in the highlands. The third class are the clans which were engaged in the last rebellion, but their chiefs now profess and practise obedience to the government. Of these the most powerful are the duke of Gordon, Seaforth, sir Alexander Macdonald, and Macleod of Macleod. The behaviour of the two last has been most exemplary and meritorious on this occasion. By an act of the first of the late king, intitled, 'For the more effectually securing the peace of the highlands,' the whole highlands, without distinction, were disarmed, and for ever forbid to use or bear arms, under penalties. This act has been found by experience to work the quite contrary effect from what was intended by it; and in reality it proves a measure for more effectually disturbing the peace of the highlands, and of the rest of the kingdom. For, at the time appointed by the disarming act, all the dutiful and well-affected clans truly submitted to the act of parliament and gave up their arms, so that they are now completely disarmed; but the disaffected clans either concealed their arms at first, or have provided themselves since with other arms. The fatal effects of this difference, at the time of a rebellious insurrection, must be very obvious, and are by us in this country felt at this hour; I pray God they may be felt no farther south. By that disarming act, as it stands, there is still room left for arming occasionally even the highlands, or prohibited counties; and the method reserved or excepted from the prohibition is, when by his majesty's order, and out of his arsenal, the people are called out and armed by the lords-lieutenant of counties; then they may lawfully wear and use such arms, during such number of days or space of time as shall be expressed in his majesty's order." In fact, it cannot be doubted, that the effect of the act and of the extreme and unaccountable neglect of the government in not sending arms and orders for their distribution, left the loyal



subjects in Scotland at the mercy of the rebels, protected only by a very small number of regular troops, under a commander who, whatever might be his courage, possessed very little capacity; and, which was still more strange, this small force was ordered to the north to be wearied by long and useless marches, while the rebels took possession of the lowlands without resistance. It was suggested by Cope and others at Edinburgh, who were but imperfectly informed of the real state of things, that the best course was to march immediately into the disaffected districts and stop the progress of the insurrection before it became formidable, and accordingly the marquis of Tweeddale sent down absolute orders to the general to proceed immediately with the troops under his command to Fort Augustus, in the heart of the highlands. Cope proceeded to put himself at the head of his troops, which were assembled at Stirling, on the 19th of August, the same day on which the pretender had raised his standard in the vale of Glenfinnan.

Prince Charles passed that night in Glenfinnan, where he was joined by a few of the Macleods, who had taken up arms in his cause in spite of the contrary orders of their chief. Well aware of the defenceless state of the country, his friends decided on proceeding at once to the south, and they began their march the next morning. At the house of Lochiel, they were joined by Macdonald of Glencoe, with a hundred and fifty men; by Stuart of Appin, with two hundred; and by the younger Glengarry, with two hundred more; which raised his force to fifteen or sixteen hundred men. With this force, the young pretender acted as if he were already in possession of the kingdom of Great Britain. It was here, too, that he first received a copy of the proclamation setting a price upon his head, and he replied to it with the following counter-proclamation, which was at the best but a futile threat from one whose whole force and power consisted of a few highlanders in the recesses of the wild mountains of the north:—

*“Charles Prince of Wales, &c., Regent of the Kingdoms of Scotland, England, France, and Ireland, and the dominions thereunto belonging.*

*“Whereas we have seen a certain scandalous and malicious paper, published in the style and form of a proclamation, bearing date the 1st instant, wherein, under pre-*

*tence of bringing us to justice, like our royal ancestor king Charles I., of blessed memory, there is a reward of thirty thousand pounds sterling, promised to those who shall deliver us into the hands of our enemies: we could not but be moved with a just indignation at so insolent an attempt. And though from our nature and principles we abhor and detest a practice so unusual among Christian princes, we cannot but out of a just regard to the dignity of our person, promise the like reward of thirty thousand pounds sterling, to him or those who shall seize and secure, till our further orders, the person of the elector of Hanover, whether landed, or attempting to land, in any part of his majesty’s dominions. Should any fatal accident happen from hence, let the blame lie entirely at the door of those who first set the infamous example.—CHARLES, P. R.*

*“Given in our camp, at Kinlochell, August the 22nd, 1745. By his highness’s command.—JO. MURRAY.”*

Although general Cope had collected all the men he could, his whole force consisted of hardly fifteen hundred foot and the two regiments of dragoons of colonel Gardiner and colonel Hamilton, with a train of artillery consisting of four small field-pieces and four colorns; but he had no artillerymen, and all his soldiers were either raw recruits or men who had never seen service. His means of transport were so extremely limited, that he was obliged to march with the infantry in two divisions, and he found it advisable to leave the dragoons behind him at Stirling. The first division proceeded on the 20th to Crieff, where Cope expected to be joined by the well-affected highlanders in considerable numbers, and he had carried with him a thousand stand of arms for them; but all who arrived were fifteen of the duke of Athol’s men and a promise from the lord Glenorchy to send five hundred men in three days. Under these circumstances, the general sent seven hundred of the arms back to Stirling, and he seems at this time to have been convinced of the impolicy of a movement which he proceeded with only in obedience to the positive orders he had received from court. He was obliged to remain at Crieff till the 22nd, waiting the arrival of the second division of his little army, and supplies of provisions. He then proceeded to Dalnacardoch, but his progress was impeded by a variety of causes, and he lost many of his baggage-horses and stores through the disaffection of the drivers. At Tay-bridge

he was joined by about fifty of lord Loudon's regiment, but most of them deserted in the course of two or three days, and carried intelligence of his movements to the rebels. The latter, who were well informed of Cope's march, and of the road he was to take, pushed forward to occupy the formidable mountain of Corryarrak, which was traversed by the military road to Fort Augustus, passing on its south side up to the summit by seventeen ramps or traverses, and thence descending to the valleys on the north by other traverses, and crossing glens and mountain torrents under circumstances which would make an attack by the highlanders, even in a very small number, extremely dangerous.

When Cope reached Dalnacardoch on the 25th of August, he received the first authentic information relating to the proceedings of the rebels from captain Swettenham, one of the officers of the small force which had been captured by the highlanders on the 16th, and who had been an involuntary witness of the ceremony of raising the standard in Glenfinnan, but had subsequently been liberated on his parole. Swettenham told the general that when he left the rebels they were only about fourteen hundred strong, but that he had met with large parties of highlanders on their way to join them, and he had heard since that their force amounted to about three thousand men, with which they intended to take possession of the passes of Corryarrak. In spite of this intelligence, Cope obeyed his orders, and continued his march next day (the 26th) to Dalwhinnie, where he received from Duncan Forbes, who was at his house of Culloden, near Inverness, a message fully confirming the information given him by captain Swettenham, and warning him of the danger of proceeding over Corryarrak. Cope was now convinced that it was impossible to continue on the route which his orders indicated, and he immediately called a council of his officers, to whom he read his instructions and communicated his information as to the force, position, and intentions of the enemy. "The intelligence," we are informed by one of the officers present, "was undoubted that the enemy were to wait for us at Coiryergh (Corryarrak); where their different parties, from the head of Loch Lochy, and Lugganachnadrumb, might easily join them. They intended to line the traverses or windings of the road, up the mountain, which are seventeen in number. In these traverses their

men would be entrenched to their teeth. They are flanked by a hollow watercourse, which falls from the top of the mountain; they intended to line this watercourse, where their men would be well covered, as likewise numbers of them might be among the rocks, on the top of the hill. They proposed to break down the bridge at Snugbarrow, which lifts the road over a steep precipice, and to place men in two hollow ways, which flank the road both ways. Formerly, several of our officers had marched over that ground, and all of them unanimously agreed, that to force the rebels in it was utterly impracticable; it must inevitably be attended with the loss of all our provisions, artillery, and military stores, &c., and indeed of the troops; that the giving the rebels any success upon their first setting out, was by all means to be prevented, as it might be attended with bad consequences to the service. The next question then was, whether it was most advisable to return to Stirling with all expedition, or march to Ruthven, and so on to Inverness. Upon this they were also unanimous in their opinion, that to return to Stirling was by no means advisable. The rebels could march to Stirling a nearer way than we could, by marching down the side of Loch-Rannoch. They would get to the bridge of Kynachin before us; they would break it down, and thereby cut off our retreat. This is a bridge upon Tummel, a water so rapid that it is not fordable in any place that I could hear of. To stay where we were, and thereby pretend to stop their progress southward, was folly: they could, without coming over Coiryergh, go south by roads over the mountains, practicable for them, utterly impracticable for regular troops. And, upon taking a survey of our provisions, we found, that, what from our having been under a necessity to leave a great deal of it by the way upon the march, for want of horses to bring it along (which we found it impossible to get), and what from the great damage which that part of it which we did bring forward, had received from the rains, we had not above two days' bread left that could be eat, and we were unhappily in a country that could not supply us. There was therefore no manner of choice left us—to Inverness we must go; which we did accordingly." At Inverness, Cope was joined by two hundred of the Monroes, under captain George Monro of Culcairn, the only party which joined them during their whole march.



By this resolution to proceed to Inverness and Aberdeen, and thence back by sea to Leith, Cope left the road to Edinburgh by land entirely open to the rebels. These, after remaining from the 20th to the 23rd at the head of Loch Lochy, removed on the day last mentioned to Fassifern. On the 20th, they were at Moy in Lochaber, where they were joined by two hundred and sixty of the Appin men under Stuart of Ardschiel. In the course of the day, the young pretender received a message from Gordon of Glenbucket, informing him that the royalists were on their way to Dalwhinnie, and that they intended to pass the mountain of Corryarrak next day. Without delay the prince recommenced his march, and arrived the same night at Aberchaloder in Glengarry, where his army was swelled by the Macdonnells of Glengarry, and the Grants of Glenmorriston. Next morning, when they reached the summit of the mountain, a deserter from the royal army brought them the intelligence that Cope had determined to change his route. Imagining that this was merely the effect of fear, the highlanders were eager for the pursuit, and descending from the mountain they proceeded that day as far as Garrymore, where they arrived not long after Cope had left it on his way to Ruthven in Badenoch. The ardour of the highlanders was now moderated by their chiefs, who held a council of war, at which, influenced by the prince's secretary of state, Murray of Broughton, they resolved to relinquish the pursuit of Cope's army, and adopted the wiser plan of marching direct to the south, which had been left without protection. They, however, sent forward a detachment of three hundred men to surprise the barracks of Ruthven, and seize Macpherson of Clunie, who was preparing to raise his men and join sir John Cope. In the latter point they were successful, but they were beaten off from the barracks with loss, by the small garrison of twelve soldiers and a lieutenant. Macpherson of Clunie, who was a son-in-law of lord Lovat, now deserted the royalists, and raised his men for the service of the pretender.

After a rapid march through the mountains of Badenoch into the vale of Athol, the pretender reached Blair castle, the seat of the duke of Athol, on the 30th of August. The marquis of Tullibardine, who enjoyed the title of duke of Athol at the pretender's court, took possession of the family mansion, and feasted the prince with great

ostentation. They were joined here by several highland gentlemen, with as many men as they could collect rapidly, for the prospect of plunder in the south was a great temptation. Lochiel and lord Nairn were sent forward from Blair to proclaim the pretender at Dunkeld and Perth; and after two days' feasting at Blair, they were followed by the prince with the rest of his forces, who entered Dunkeld on the 3rd of September, and Perth on the 4th, at which latter place he was received with ostentatious ceremony. The prince's money was now reduced to one single *louis-d'or*, which he showed to the nonjuring parson Kelly, and told him with a smile that he should soon get more; and now, indeed, having got into a country where money was to be had, he set about collecting it with diligence. He remained about eight days at Perth thus occupied. The public money he seized, and the government taxes he caused to be collected, in Perth, amounted to about five hundred pounds; and Clanronald and Keppoch were dispatched to Dundee, where they also seized all the public money, and obtained a quantity of arms and ammunition from two vessels in the harbour of that town; while small parties overrun the country around, collecting the revenue and raising contributions. At Perth, the prince reviewed his army, which was far from answering his expectations, and, though some of the gentlemen of the country around came and looked on, it was evident that there was very little enthusiasm in the cause, in spite of which the prince set up an ostentatious standard, with the inscription *Tandem triumphans*, i.e., triumphant at last. He was, however, joined here by Clunie's men; by the duke of Perth, with two hundred of his tenantry; by Robertson of Struan, with a hundred of his men; by lord George Murray, with some Athol men; and by a few others. Lord George Murray was a valuable acquisition, for he had served with distinction in the armies of the king of Sardinia, and possessed daring courage and considerable military genius. He and the duke of Perth, who has been described by his contemporaries as a shallow-headed youth, were appointed conjointly lieutenant-generals of the army; and this appointment, with the proud air of superiority assumed by lord George, gave great offence to Charles's older friends, especially to the Irish officers, who immediately formed a party against him, in which the secretary and the prince's tutor joined.

Having collected all the money they could in that neighbourhood, and received the reinforcements they expected, the rebel army left Perth on the 11th of September, and began its march towards the capital.

Meanwhile in Edinburgh all was alarm and bustle, where, as early as the 9th of August, orders had been given to the officers of the trained bands, constables, and others, such as the circumstances seemed to require. Soon afterwards the city guard was augmented with thirty men; and all stablers, innkeepers, &c., were required to give the captain of the guard an account of all strangers, immediately on their coming to lodge with them. On the 26th, and some days after, strict search was made through the printing-houses for treasonable papers, copies of which had been distributed. Several arrests were also made. On the 27th, general Blakeney arrived from London, and proceeded to Stirling, where Gardiner's dragoons lay, while Hamilton's were quartered in the Canongate and Leith. On the 31st of August, certain information was received that the highlanders had entered Athol, upon which, at six o'clock, the drum beat to arms, and Hamilton's dragoons encamped that night in St. Ann's-yard. The town-council likewise met, and directed that the keys of the gates should be lodged with the captain of the guard, that sentries should be placed at each, and a second augmentation of the city guard be made. The trained bands now regularly mounted guard at night; and arms were sent from the city magazine to Leith, to arm the inhabitants. The city walls were ordered to be repaired, cannon to be placed on them, and a ditch to be thrown up, from the north side of the castle to the North Loch. To hasten these fortifications, the workmen were employed even on Sunday (the 8th.) The same day, the last portion of six thousand stand of arms, from London, were carried to the castle from Leith. Many of the principal inhabitants came forward and offered to defend the city at the hazard of their lives, together with the regular trained bands, and their offer being accepted, a royal sign-manual, dated September 4th, came, authorising the lord provost, magistrates, and council, to raise, form, discipline, and maintain at their own proper charge, by voluntary subscription of the inhabitants, one thousand foot for the defence of the city and support of his majesty's government. A subscription was accordingly opened on the

9th of September, and in two hours money for maintaining six hundred men was subscribed for, and a month's pay advanced. The same day a subscription for volunteers was opened, which a great number of the inhabitants crowded to sign; the enlisting of the men for the Edinburgh regiment went on rapidly; the volunteers received arms and ammunition from his majesty's magazine, and were daily exercised. Glasgow, Aberdeen, and the other principal towns, likewise took measures for their own security. Hamilton's dragoons moved their camp from St. Ann's-yard to Beardford's-park, to the north of the castle, on the 4th, and from thence to Leith Links on the 6th. All the vessels in the Forth were removed to the south side. When news of the nearer approach of the highland army reached Edinburgh, the magistrates assembled, the trained bands mounted guard in the parliament house, the volunteers in the exchequer, and the Edinburgh regiment in the judiciary hall. The trained bands consisted of sixteen companies, different in number, some sixty and some one hundred men; but at that time they were fewer, as several of them had joined the gentlemen volunteers. Of these there were six companies, in number about four hundred. There were also above two hundred seceders, volunteers, commanded by Mr. Bruce of Kennet. Upwards of two hundred men were raised for the Edinburgh regiment; and the city guard amounted to about one hundred and twenty trained men, under three captains. The trained bands had the arms and ammunition belonging to the city; and the volunteers and Edinburgh regiment received arms and ammunition from the castle. Next day (the 14th of September), the banks, public offices, and the most valuable effects of some private persons, were removed to the castle.

The pretender had reached Dunblane on the evening of the 11th of September, the day he left Perth, and had been joined on the road by two hundred and fifty of the Macgregors under Macgregor of Glenguilie, and by Macdonald of Gleneoe, with sixty of his clan. He had now received intelligence that Cope having arrived with his forces at Inverness, was on his way to Aberdeen to embark them for Leith, and he was anxious to get to the capital before him. He therefore pushed forward next day to the Firth of Forth, and knowing that some ships of the royal navy were stationed at the



head of the Firth, and that the bridge of Stirling was commanded by the guns of the castle, he directed his march to the ford of Frew, about eight miles above Stirling, where he crossed the Forth without any opposition, on the evening of the 13th. Gardiner's dragoons, who were on the opposite shore, instead of attempting to defend the ford, turned their horses immediately and fled precipitately to Falkirk. Charles dined with his officers and slept that night at Leckie-house, the owner of which had been arrested and carried away prisoner the night before for the preparations he was known to be making for his reception. Next day the rebels marched to Falkirk, where the earl of Kilmarnock, who, unfortunately for himself, and partly it was said through the influence of his countess, had broken his allegiance to king George, received the prince in his house at Callender. Gardiner had taken up his position with his dragoons at Linlithgow, and had sent a pressing demand to Edinburgh for reinforcements to enable him to defend the bridge, but none came; and when lord George Gordon, who had set off from Falkirk with a thousand highlanders at two o'clock of the morning of the 15th (Sunday), in the hope of surprising the dragoons, arrived at Linlithgow, he found that they had left the place and retired to Kirkliston. The prince arrived with the army at Linlithgow soon after ten o'clock, and at night quartered his army to the east of the town. On Monday morning the highlanders continued their march towards Edinburgh, Gardiner's dragoons again flying before them. To avoid the fire of the castle, Charles's army turned off to the right at Corstorphine, and he established his head-quarters at Gray's Mill.

The citizens of Edinburgh were still occupied in preparing their defences, when, on the morning of the 15th of September, intelligence was brought that the highland army was at Linlithgow; report added that detachments were pushed forward to Kirkliston, Wainsburgh, and Gogar, only five or six miles to the west of Edinburgh; and it was known that Gardiner's dragoons had fallen back and posted themselves at Corstorphine, two miles from the city. The confusion occasioned by this intelligence was increased by the occurrence at this moment of municipal disputes arising out of local rivalry. The period for the election of magistrates was at hand, and the citizens

neglected the foe without, in their earnestness in a struggle that was going on within their walls. In 1740, the provost, Alexander Drummond, had been turned out of his office and his place supplied by Stuart, and there had been rivalry, if not hostility, between the two parties ever since. Drummond now aimed at ejecting Stuart, and as the latter appears to have had little faith in the military capacity of the volunteers to whom the defence of the capital appeared to be left, and was averse to risking the fortunes of the citizens on their courage, Drummond, foreseeing that his caution might be construed into disaffection to the government, endeavoured to signalise himself by his zeal and courage on the other side. No sooner was it known on the morning of the 15th of September that the rebels were so near to Edinburgh, than Drummond, without consulting with the provost, proposed to general Guest, an able and brave officer who commanded the king's troops in Edinburgh during Cope's absence, that a detachment of the volunteers, two hundred and fifty strong, should march out to join the dragoons at Corstorphine, for the purpose either of attacking the highlanders, or of assisting in the defence of their position, if attacked. The offer was accepted, and general Guest asked for fifty of the city guard to co-operate with them. The lord provost replied at first that he thought it absolutely necessary for the safety of the place, that all the city guard should be kept within the town; but some of the other party in the municipal body remarked, that if, by complying with the general's request, the enemy's progress should be stopped, the city would thereby be more effectually preserved than by trusting only to themselves, upon which the provost, seeing probably the design of his opponents, suddenly turned round and ordered that, instead of fifty, the whole city guard, and all the men enlisted for the Edinburgh regiment that were not on guard in the town, should march out and receive orders from the commanders of the king's troops. Guest now ordered Hamilton's dragoons to remove from Leith Links, and join Gardiner's regiment at Corstorphine. At eleven o'clock the fire-bell rang the signal for the volunteers to arm, and they marched to the rendezvous at the Lawnmarket; and as the alarm was given during divine service (it was sabbath-day), the churches were instantly emptied, but unfortunately it was not to encourage the

martial spirit of their townsmen, for the wives, daughters, and sweethearts of the city militia and volunteers, and many even of their male relatives, clung about them protesting against their risking their lives outside the town against the highland savages. A little after twelve, the city guard, with a detachment of the Edinburgh regiment, marched out, and halted on the east side of Colt-bridge, waiting for the body of volunteers, who began to feel more and more disinclined to venture out of the town. The dragoons meanwhile had assembled outside the walls, and were heard clashing their swords together, at which the volunteers raised a shout, and Drummond, who had got himself appointed their captain, so far encouraged them that they marched off to join the regulars; but on their way numbers disappeared at every court or doorway by which they could escape; and when captain Drummond reached the West Port, he found that he had only the forty men of his own company to lead against the enemy. Drummond returned with his company to the college-yard, and then the provost sent orders to the city guard, of ninety men, and to some of the Edinburgh regiment, to march forward and join the dragoons, which they did, and continued under arms till night. At nine o'clock the dragoons retired to the east side of Colt-bridge, and lay upon their arms all night, in a field between Edinburgh and Leith, and colonel Gardiner sent the city guard and volunteers back into the town as of no use. The rest of the volunteers, with a great part of the trained bands, and those of the Edinburgh regiment that had not marched to Corstorphine, had remained under arms all day within the town; and at night, after placing the proper guards, consisting of about seven hundred men, they separated with orders to be ready to appear at their respective alarm-posts whenever they should hear the fire-bell. Two small bodies of men from about Dalkeith and Musselburgh, had come in by order of the duke of Buccleugh's factors and sir Robert Dickson of Carberry, to assist in defending the city, and had arms and ammunition delivered to them.

Next morning, the city guard and a detachment of the Edinburgh regiment again marched out to join the dragoons; but on hearing of the approach of the highland army, a party of dragoons posted near Corstorphine, fell back in disorder upon the main body at Colt-bridge, and about three

o'clock in the afternoon, while the city soldiers made the best of their way into the town, all the dragoons fled in the utmost confusion by the north side of the city towards Leith, and their terror was such, that, on some mischievous boys shouting out that the highlanders were coming, they took the road to Musselburgh, and never stopped till they got to the village of Preston-pans. This precipitate flight caused the utmost consternation in the city. Information had been received that general Cope, with the troops under his command, was to have embarked at Aberdeen on the 14th or 15th, and the news of his landing in Lothian was hourly expected. But as he had not yet been heard of, and the regular forces had fled, and as all the ministers of state had withdrawn from Edinburgh, many of the inhabitants thought it time to consult for the safety of the city. Accordingly a petition, signed by several citizens of influence, was presented to the magistrates and council then assembled in the goldsmith's-hall, requesting that a meeting of the inhabitants should be instantly called, in order to determine what was proper to be done. The provost pretended to disapprove of this petition, and said, that as all the inhabitants were well armed, as some people from the country had come to their assistance, and as great expenses had been laid out in fortifying the city, there was no doubt but they ought to stand to their defence; adding that he himself should first mount the ramparts. To this the petitioners replied, that a great many of the trained bands were of opinion that the city was not tenable; that the sudden flight of the regular forces made it evident they were of the same opinion, and that, if standing out for an hour or two, which was all that could be done, would bring the lives and properties of the inhabitants into certain hazard, without doing any real service to the cause intended to be served, it was much better to capitulate upon the best terms that could be got. On this the lord provost, seeing a gentleman who possessed a considerable place under the government, and was formerly in the army, asked his advice, who gave it as his opinion, that if all the inhabitants were of one mind, the city might perhaps hold out for a short time, but as they were divided, care should be taken that the king's arms should not fall into the hands of the enemy. The provost thereupon, with apparent reluctance, agreed



to call a meeting of the inhabitants as desired by the petition. The inhabitants were accordingly invited to meet in the new church aisle, where the provost, magistrates, and a great number of the inhabitants assembled, and he then told them, that the magistrates had called them together for their advice; that the city had been put to very great expense in preparing for a defence; that, for his own part, he had not had a military education, and was altogether unskilled in these matters; that therefore he entreated his fellow-citizens to advise what should be done in the present exigency, and he would cheerfully do what should be agreed upon by them. The point in debate was, whether or not the city should stand out? Mention having been made, in the course of the reasoning, of the assistance to be expected from the dragoons, the provost said, that he had been present at a council of war the night before, in which it was the opinion of all the officers, that the bringing the dragoons into the town would be cooping them up to their destruction. While this matter was in debate, a message came from general Guest, by which it appeared that a warrant had been sent to the general a few hours before, signed by the provost and lord advocate, empowering him, if he thought proper, to send in one hundred dragoons to assist in the defence of the city, and his excellency now wanted to know whether the provost desired that the one hundred dragoons, or a greater number, and what number, should enter the town. When the opinion of the meeting was asked, they said, "No dragoons." The lord provost then desired the secretary to tell the general, that, after what had passed in the council of war, it was to be feared if he should call in the dragoons, and any ill consequences followed, it might be said that he had drawn them into a snare; that therefore he would not ask for them, but if the general thought proper to order the whole, or any number in, the gates should be open for their reception. No dragoons, however, came. The question was then put, whether the town should be defended? and only three or four said "yes." It was then agreed to capitulate upon the best terms that could be got; and that in the meantime the king's arms should be returned to the castle. When they were about to name deputies to treat with the highland army, a letter was handed in, addressed to the lord provost and magistrates, which was ordered

to be read. It began—"Whereas we are now ready to enter the beloved metropolis of our ancient kingdom of Scotland"—Here the reader was stopped, and asked by whom the letter was signed, and upon his answering that it was superscribed, "Charles, prince of Wales," &c., the provost would not hear it read; so the meeting broke up. The magistrates and council returned to the goldsmith's-hall, and sent off deputies to treat, and ask for time for further deliberation, while the volunteers and Edinburgh regiment marched up to the castle and returned their arms, and a party of the trained bands and city guard kept watch all night.

About an hour after the deputies had been sent to treat with the rebels, information was brought to the provost that Cope had landed with his troops at Dunbar, and the magistrates so far recovered their courage, that it is said a messenger was sent after the deputies to recall them, but the information proved to be premature, and they were already in the pretender's camp. Moreover, reports had been spread among the citizens of an alarming character, and had produced the effect of exciting their terror. It was said that the highland army numbered sixteen thousand men, and that in case of the slightest resistance, the capital was to be given up to indiscriminate pillage. The summons which had been sent in by Charles under his signature as prince-regent, was expressed in terms not calculated to allay the alarm. "Being now," he said, "in a condition to make our way into the capital of his majesty's ancient kingdom of Scotland, we hereby summon you to receive us as you are in duty bound to do; and in order to it, we hereby require you, upon receipt of this, to summon the town council, and take proper measures for securing the peace and quiet of the city, which we are very desirous to protect. But if you suffer any of the usurper's troops to enter the town, or any of the cannon, arms, or ammunition now in it, whether belonging to the public or private persons, to be carried off, we shall take it as a breach of your duty, and a heinous offence against the king and us, and shall resent it accordingly. We promise to preserve all the rights and liberties of the city, and the particular property of every one of his majesty's subjects. But if any opposition be made to us, we cannot answer for the consequences, being firmly resolved at any rate to enter the city; and

in that case, if any of the inhabitants are found in arms against us, they must not expect to be treated as prisoners of war." Even the martial zeal of captain Drummond, the ex-provost, had cooled down, and he had taken the wise precaution of causing the volunteers and the Edinburgh regiment to return their arms to the castle.

The deputies had been directed to ask for time for the magistrates to consult with the citizens before they gave the pretender a decided reply to his summons. They returned about ten o'clock in the evening, and the prince sent word by them that he considered the manifesto and declaration of the king his father a sufficient capitulation for all his subjects to accept with joy, and that he expected to be received and obeyed as his representative. He further expressed the hope that no arms or ammunition had been carried away or concealed, and that he should expect their final and positive answer at two o'clock in the morning. As, however, the magistrates had now received intelligence of the approach of general Cope, they were anxious to prolong the negotiations, and the deputation again waited upon Charles to ask for a suspension of hostilities until nine o'clock the next morning. This was refused peremptorily, and the deputies were ordered to return into the city. Meanwhile, Lochiel, with about eight hundred highlanders had been secretly sent to lie wait outside the Nether Bow Port, and when, after the deputies had re-entered the city, the coach which had conveyed them was returning to the Canongate, where it had been hired, and the porter at the Nether Bow opened the "port" incautiously to let them pass, the highlanders suddenly rushed in with a tremendous shout, or rather yell, and made themselves masters of the guard. They marched in a column along the High-street to the city guard-house, of which they took possession, and then, having seized upon the other gates and placed their own guard upon them, they drew up in the parliament-close, to wait the arrival of their friends.

About eight o'clock next morning, Charles, who had received immediate information of the success of Lochiel's stratagem, removed from his head-quarters at Slateford, but in approaching the city he was obliged to take a circuitous route in order to avoid the range of the castle guns. He entered the King's-park from Duddingston, and having ordered his troops to encamp in the deep

valley behind Arthur's Seat and Salisbury crags, where they were sheltered, he rode with his principal officers along the Duke's-walk to Holyrood-house. The park was crowded by people who were anxious to catch a glance of the young pretender, who indulged them by proceeding slowly and stopping from time to time to exhibit himself. One of the historians of these events, Home, who was present on this occasion, has left us the following description of the personal appearance of the young prince:—"The figure and presence of Charles Stuart were not ill-suited to his lofty pretensions. He was in the prime of youth, tall and handsome, of a fair complexion; he had a light-coloured periwig, with his own hair combed over the front; he wore the highland dress, that is, a tartan short coat without the plaid, a blue bonnet on his head, and on his breast the star of the order of St. Andrew. Charles stood some time in the park to show himself to the people; and then, though he was very near the palace, mounted his horse, either to render himself more conspicuous, or because he rode well and looked graceful on horseback. The jacobites were charmed with his appearance; they compared him to Robert the Bruce, whom he resembled, they said, in his figure as in his fortune. The whigs looked upon him with other eyes. They acknowledged that he was a goodly person; but they observed that even in that triumphant hour, when he was about to enter the palace of his fathers, the air of his countenance was languid and melancholy; that he looked like a gentleman and a man of fashion, but not like a hero or a conqueror. Hence they formed their conclusions that the enterprise was above the pitch of his mind; and that his heart was not great enough for the sphere in which he moved." At mid-day, the heralds, who had been taken in Edinburgh, were conducted to the old cross, and there, in presence of the highlanders, who were drawn up in arms, and with some rather feeble shouting from the crowd and waving of pocket-handkerchiefs from ladies in the windows, they were compelled to proclaim king James, and to read his declaration, his commission of regency to his son, and the manifesto of the latter. Lord Elcho had joined the pretender on the previous night, and his example was followed afterwards by the earl of Kellie, lord Balmerino, sir Stuart Threipland, sir David Murray, and a few other lowland gentlemen, but there was evidently



no great enthusiasm in his cause in the south.

At Inverness, general Cope had consulted with the president, Duncan Forbes, whose presence in that quarter was at this moment of singular use to the government, although Cope received no accession of strength from the loyal clans, who were in general unarmed, and who seem to have been afraid to come forward. Two hundred of the Monroes offered themselves for fourteen days, after which they said their services were wanting in the harvest. Forbes was successful in keeping many of the doubtful clans in inaction, but even he was deceived in many cases by the solemn but hollow promises and professions of the disloyal chiefs, among whom the old traitor lord Lovat now stood foremost. On the first news of the landing of the pretender, the lord advocate, Robert Craigie, had written to Lovat, complimenting him on his influence in the northern highlands, and on his known zeal for the service of king George, and Lovat in reply assured him that his zeal was unchanged, and asked for a supply of arms to enable him to bring out his clan for the service of the government. "My clan and I," he said, "have been so neglected these many years past, that I have not twelve stand of arms in my country, though I thank God I could bring twelve hundred good men to the field for the king's service, if I had arms and other accoutrements for them. Therefore, my good lord, I earnestly entreat that, as you wish that I would do good service to the government on this critical occasion, you may order immediately a thousand stand of arms to be delivered to me and my clan at Inverness; and then your lordship shall see that I will exert myself for the king's service. Although I am entirely infirm myself these three or four months past, yet I have very pretty gentlemen of my family that will lead my clan wherever I bid them for the king's service. And if we do not get these arms immediately, we will certainly be undone. For those madmen that are in arms with the pretended prince of Wales threaten every day to burn and destroy my country, if we do not rise in arms and join them; so that my people cry out horridly that they have no arms to defend themselves, nor no protection nor support from the government. So I earnestly entreat your lordship may consider seriously on this; for it will be an essential and serious loss to the government

if my clan and kindred be destroyed, who possess the centre of the highlands of Scotland, and the countries most proper by their situation to save the king and government." In the same letter he says, alluding to the pretender, "I hear that mad and unaccountable gentleman has set up a standard at a place called Glenfinnan, Monday last." At this very moment Lovat was in secret communication with the prince, and had accepted from him a patent of the title of duke of Fraser. He had sent Fraser of Gortuleg to congratulate Charles on his arrival, and assure him of his attachment to his cause; and he wrote to Lochiel, who had paid him a personal visit to consult him on their plans—"My service to the prince; I will aid you what I can, but my prayers are all I can give at present." Nevertheless, Lovat waited to see what probability there was of success, and especially till he obtained a supply of arms from the government, before he openly declared in his favour. He paid a visit to Duncan Forbes to assure him in person of his loyalty, and to press again for the arms; and Forbes was so far deceived in him, that he recommended his request to be granted. The president wrote from Culloden-house on the 19th of August—"Lord Lovat was with me here last Thursday, and has, by the bad weather, been detained at Inverness till this day. He has declared to me his full purpose to be prudent, and I verily believe him." Next day Forbes wrote to recommend his request for arms, adding that he and lord Fortrose had been with him and promised to collect their people together in defence of the existing government, and that it was of the utmost importance that if the pretender came that way he should not find them unarmed. Lovat continued to correspond with him, and informed him of the defection of chief after chief with pretended regret; and on the 27th of August he wrote to Forbes as follows:—"I own I must regret my dear cousin Lochiel, who, contrary to his promise to me, engaged in this mad enterprise; but if sir J. Cope is beat (which I think next to impossible), this desperate prince will be the occasion of much bloodshed, which I pray God may avert; for to have bloodshed in our bowels is a horrible thing to any man who loves Scotland, or has a good stake in it, as your lordship and I have. Therefore I pray God that we may not have a civil war in Scotland; this has been my constant wish since ever I had the use of my reason,

and it shall be the same while there is breath in me; so that they must be damnably ignorant of the principle of my life and soul who can imagine that I would endeavour to promote a civil war in my country." Fortunately Lovat did not get the arms, and a very short time elapsed before his treachery became apparent.

All the reinforcements which Cope obtained at Inverness consisted of a company of Guise's regiment and some incomplete companies of that of lord Loudon. He was detained for some days by unavoidable delays, arising partly from the want of provisions; and it was only on the 15th of September that he embarked at Aberdeen to return to the capital by sea. He arrived on the evening of the 16th off Dunbar, and landed his troops during the following days. Here he found the fugitive cavalry, who, after their flight from Edinburgh, had stopped to pass the night at Preston-pans, where they lay in the fields, while colonel Gardiner, who was suffering under the united effects of personal illness and of mortification at the cowardice of his regiment, had retired for repose to his own house, which stood near. Between ten and eleven o'clock, one of the dragoons, seeking forage for his horse in the dark, fell into an old coal-pit, and made such a noise, that the rest of the dragoons took alarm, and, believing that the highlanders were coming, without stopping for reflection, mounted their horses, and galloped off to Dunbar in such terror and confusion, that many of them threw away their arms. Next morning colonel Gardiner found all his men gone, and rode after them with a heavy heart. He found the road to Dunbar strewn with swords, pistols, and firelocks, which he caused to be gathered up and carried on in covered carts. On the morning of the 18th, Cope completed the landing of his infantry, which already began to be infected with the example of the cavalry. He found here a number of the law officers who had retired from Edinburgh, and was joined by the earl of Home, who, however, had only two servants in his company. The general found here also those of the Edinburgh volunteer regiment who had left the capital, among whom was Home the poet, who afterwards wrote a history of the rebellion. Home had visited the rebels' camp, and he reported to Cope that their numbers were not two thousand, but that they were strong, active, and hardy men and very

fierce and resolute in their appearance. About two-thirds of them, he said, were armed with firelocks, but of a great variety of make and shape, and with broadswords, many of which were of French manufacture. The arms of the rest consisted chiefly of the blades of scythes fixed to the handles of pitchforks. Their artillery consisted only of one iron gun, which was laid on a cart, and drawn by a highland pony. But he added that their numbers were rapidly increasing by fresh arrivals from the north, and that their previous want of arms would be supplied by those they had seized in the capital.

Cope was led to imagine that he should have an easy victory over troops like these, and he seems even to have thought that he had only to show his army to strike them with terror. It was perhaps with some idea of this kind, that, when he left Dunbar on the 19th of September, he carried such an immense train of baggage waggons that his army appeared much larger than it really was. Of the two roads to Edinburgh, he chose the shortest, but not the best, and he appears not to have taken proper precautions to explore the country over which he directed his march. The first day he only marched to a place a little to the west of Haddington, where his army encamped in the fields. The fear of a surprise caused the general, about nine o'clock in the evening, to send out scouts, and eight of the young men of the Edinburgh volunteers were chosen for this purpose. They were mounted on horseback, and went in parties of two along the main road and along such diverging paths as led towards Duddingston. About midnight they returned to the camp, and reported that all was quiet, and then eight more of the volunteers were sent out, who patrolled the roads till morning. Two of these, however, never returned. In the morning Cope continued his march, and, when he came near Haddington, he turned off from the high road, and proceeded by the lower road by St. Germain's and Seaton. His officers and soldiers made no secret of their confident belief that, furnished as they were with cannon and with all the accompaniments of a regular army, the highlanders would not dare to fight them, and that there would be no battle. But they found their mistake when, on entering the flats between Seaton and Preston, lord Loudon, who had gone forward to reconnoitre, rode back with the intelligence that the highland army was in full march to meet them, and that it was



seen approaching by the ridge of hills to the south. Cope, on receiving this information, pushed on to the village of Preston-pans, and there formed his men in order of battle.

The camp of the highland army was at the village of Duddingston, between Edinburgh and Dalkeith. It had been continually increasing by the arrival of small bodies of recruits, and with five hundred Athol men brought in by lord Nairn, it amounted to at least two thousand five hundred men, who were all more or less excited in the cause for which they had been brought together, and were now well furnished with arms, shoes, tents, and other articles, exacted from the citizens of Edinburgh. On Thursday evening, the 19th of September, prince Charles went from Edinburgh to Duddingston, and slept that night in the camp. Early in the morning the whole army was drawn up, and the prince placed himself at their head, flourishing his drawn sword, and exclaiming, "Gentlemen, I have thrown away the scabbard!" The highlanders answered with a shout, and immediately commenced their march in one long narrow column. After passing the bridge at Musselburgh, they turned off from the high road, and marched over the high grounds to Carberry-hill, where they were informed that Cope and the king's troops were at Preston-pans. They now continued their march along the hills until they reached Tranent, from whence they had a full view of the royal army drawn up on Gladsmuir, a little in advance of the village of Preston-pans, its right supported by colonel Gardiner's park-wall, and its left by Seaton-house and the sea. The two armies greeted each other with a shout of defiance, and the highlanders demanded to be led immediately to the attack, but, though it was still early in the afternoon, it was soon found that the ground between them, consisting of a deep morass, rendered more difficult by intersections of hedges and dykes, was not apparently passable, and right in front of the king's troops, between them and the swamp, was a deep ditch lined with a thick and strong hedge. Kerr of Graden volunteered to ride down from the hills and examine this ground more closely, which he did in the most deliberate manner, mounted on a little white pony, and thus made a still more conspicuous object for the enemy's shots, and on his return he reported that the royalists could not be attacked on that side.

Thus disappointed, and evening approaching fast, the highlanders very reluctantly lay upon their arms till the morrow, the only interruption to the inactivity of both parties arising from a few cannon-shots fired by the king's troops to dislodge the highlanders from the churchyard of Tranent.

The night was very dark and cold, and therefore favourable to any secret movement. Some of the highlanders whom Cope had brought from the north took advantage of it to desert, and encouraged the rebels by their account of the condition of the king's troops; while Hepburn of Keith, one of the most devoted of prince Charles's followers, whose father had been out in the rebellion of 1715, received private information from a jacobite gentleman of the neighbourhood named Robert Anderson, of a pass in the morass, by which Anderson offered to lead them over it, without the enemy's knowledge, to a place where they might form without any danger or difficulty. Anderson was a man sufficiently well known to the jacobites to give them confidence in his information, and Hepburn immediately consulted with lord George Murray, who was Charles's military adviser, and they led Anderson to the prince, who was found sleeping on the ground with a sheaf of peas for his pillow. A council of war was now called, at which Lochiel and the other chiefs were present, and it was determined to take Anderson as their guide and attempt the passage of the morass at break of dawn. This design was favoured by a thick mist, which lay especially on the low swampy ground, and the highlanders marched in perfect silence in column, as before, three men only in a rank, with the Clanronalds in front, down a hollow in the hills, until they arrived at the spot where, according to the information of their guide, the morass was passable. Here their footfalls roused a picket of dragoons on the other side, who shouted out, "Who goes there?" and, instead of waiting for an answer, rode off to give the alarm. Meanwhile, the highlanders made all haste to pass the morass, and, in spite of the badness of the ground (they often sunk up to their kilts), they cleared it very rapidly, and having crossed the ditch by a narrow wooden bridge, they halted within it and formed as quickly as possible in order of battle. Their first line, or main body, commanded by the two generals, the earl of Perth and lord George Murray, was formed by the Clanronalds; the men of Glengarry, and those of Keppoch,

forming the right wing; the MacGregors and the duke of Perth's men in the centre; and the men of Appin and Lochiel on the left. The reserved, or second line, which was commanded by lord Nairn, contained the men of Athol, the Robertsons of Strowan, the Macdonalds of Glencoe, and the MacLauchlans. Prince Charles remained with this second line, which was never engaged, and therefore out of danger.

While these events were taking place, general Cope was not present, as he had sought comfortable quarters for the night at the village of Cockenzie, on the seashore not far off, where intelligence of the approach of the rebels was quickly conveyed to him. When he arrived on the field, he found that the disposition of the highlanders rendered it necessary for him to change his front, an operation which occasioned considerable confusion among men who appear on the whole to have possessed few of the qualities of a good soldier. His centre consisted of the four regiments of Lec, Guise, Lascelles, and Murray, two of which were very incomplete. It was protected by Hamilton's dragoons on the left, and by Gardiner's dragoons and the artillery on the right, nearest to the morass. The artillery, consisting of seven small cannons and four cohorns, was only served by a few unskilful sailors, who had been pressed for the occasion, and who were quite incapable of using them with effect. Moreover, the parties of infantry who had been placed during the night as outposts, could not find their regiments in the hurry of re-forming the line, and they had taken up their position on the right, where they cramped the movements of the cavalry. All these circumstances combined to destroy the confidence of the king's troops, when the crackling of the stubble on the recently cleared harvest-fields in which they were stationed, announced the rapid approach of the enemy.

From the position of the two armies with regard to each other, the first attack was made upon the artillery by the Camerons under Lochiel. The sailors, finding themselves ill-supported by the cavalry, abandoned their guns precipitately, after firing a few shots, which were so ill-directed that they caused very little loss. The highlanders were proverbially afraid of artillery, and the facility with which they made themselves masters of these guns increased their courage amazingly. They might have been easily recovered by the dragoons, but

these acted even with more cowardice than at Edinburgh, and in spite of all the efforts of colonel Gardiner to rally them, they turned tail at the first volley from the rebels, and rode off as hard as they could. Hamilton's regiment acted in the same manner. The foot, thus deserted by the cavalry, offered but little resistance; they fired a few rounds, and, when the highlanders threw away their muskets and rushed upon them with their terrible broadswords, they fled in every direction. A few, without officers, stood their ground bravely, and colonel Gardiner, who, with his lieutenant-colonel Whitney had disdained to fly with their men, hurried to their assistance. "These brave fellows," he cried, "will be cut to pieces for want of a commander;" and riding to their front, he cheered them and took the command. But almost at the same time he was struck down by the scythe of a highlander, and expired near his own park-wall. After his death, there was no resistance. The highlanders, more swift of foot than the English infantry, killed many and took a great number of prisoners. General Cope, with the earls Loudon and Hume, reached Berwick with about four hundred and fifty of the horse, who escaped the more easily as the rebels had no cavalry. Of about fifteen hundred infantry, scarcely more than two hundred escaped, of whom a hundred and five were received into Edinburgh castle, and the rest fled to Berwick. The whole engagement, which the jacobites called the battle of Gladsmuir, but which has more commonly been designated by the name of the neighbouring village of Preston-pans, was over in a very short space of time. The number of the slain on the part of the royalists is believed to have been between four and five hundred. According to their own account, the rebels lost forty killed, and had less than double that number wounded. The baggage and military chest, containing about fifteen hundred pounds, fell into their hands.

Prince Charles appears to have kept aloof from the action, and to have made no great show of courage; but when it was all over, he made great professions of clemency, remaining on the field till mid-day, and giving orders for the disposal of his prisoners, and for the relief of the wounded on both sides. The former were treated with affected moderation, and, being sent next day to Edinburgh, the common soldiers were confined



in the Canongate church, while the officers were allowed to be on their parole. Charles himself slept at Pinkie the night after the battle, and proceeded to Edinburgh next morning. On his arrival at Holyrood-house, the band played the tune of "The king shall enjoy his own again," and there were great demonstrations of joy, especially among the highlanders, who, however, were rapidly diminishing in numbers, as many of them hurried back to the highlands to carry home their plunder. When reviewed a few days afterwards, not more than fourteen hundred men appeared in the ranks.

The period which immediately followed the young pretender's return to Edinburgh may fitly be designated as the age of proclamations; for, as there were no longer any regular troops in Scotland to oppose him, he was left in peaceable possession of the capital and its surrounding country. The first of these proclamations, which was worded as follows, is remarkable only for its affectation of humility and moderation. The prince had already sent to the presbyterian ministers in the city, desiring them to continue public worship as usual, and the bells were rung on the following day, but none of the ministers appeared, so that there was no sermon in any of the churches.—*"Charles, Prince of Wales, &c., Regent of Scotland, England, France, and Ireland, and the dominions thereunto belonging, to all his Majesty's subjects, greeting.*—Having always had the greatest fatherly love and compassion to all our royal father's subjects, and having, with concern, reflected on the many and heavy oppressions they have groaned under during this long usurpation, we were, from these motives, influenced to undertake this present enterprise, which it has pleased Almighty God to favour, by granting us hitherto a most surprising success. And whereas it has been represented to us by many of our loyal subjects, that many of the inhabitants of our ancient city of Edinburgh, intended to testify their joy upon our late victory at Gladsmuir, by public rejoicings usual upon the like occasions, we, reflecting, that however glorious the late victory may have been to us, and however beneficial to the nation in general, as the principal means under God for the recovery of their liberty; yet in so far as it has been obtained by the effusion of the blood of his majesty's subjects, and has involved many unfortunate people in great calamity, we hereby forbid any outward

demonstrations of public joy; admonishing all true friends to their king and country, to return thanks to God for his goodness towards them, as we hereby do for ourselves by this our public proclamation. And we hereby again repeat what we have so often declared, that no interruption shall be given to public worship, but, on the contrary, all protection to those concerned in it: and if, notwithstanding hereof, any shall be found neglecting their duty in that particular, let the blame lie entirely at their own door, as we are resolved to inflict no penalty that may possibly look like persecution. Given at our palace of Holyrood-house, the 23rd day of September, 1745 years, and of his majesty's reign the forty-fifth year. By his highness's command.—J. MURRAY."

Such proclamations, however, were far from restoring confidence, and none of the ministers returned to their churches; though Mr. Hog, morning lecturer in the Tron church, continued to preach as formerly, and two others, Mr. Maeviear and Mr. Pitcairn, who also continued to preach in the West-kirk, had the courage to pray for king George. Other proclamations of about the same date promised protection to the inhabitants of all classes, who nevertheless appear to have suffered considerably from the predatory disposition of the highlanders, who, on pretence of searching for arms, committed many irregularities. As they carried their arms always about with them, and there was little hope of obtaining redress, people were afraid to oppose their demands. These were, however, in general not very excessive; for we are told that they would sometimes present their piece, and, upon being asked what they wanted, answer, "a penny;" with which they were for the time satisfied. Indeed, all the pretender's attempts to gain public confidence in Edinburgh, met with the same fate. On the 24th of September he proclaimed his pardon for those who had hitherto opposed him:—*"Charles, Prince of Wales, &c., Regent of Scotland, England, France, and Ireland, and the dominions thereunto belonging.*—Whereas we are informed, that several of our subjects, as well clergy as laity, in our ancient city of Edinburgh and neighbourhood thereof, did associate and take up arms against us; and that many of them fled from their houses, lest they had been prosecuted and made examples of, as their crimes demerited. And whereas we have nothing at heart but the good of all our

subjects, how much soever deluded by the prejudice of education or mistaken interest; and being always disposed, as a true father of our country, to display that mercy and tenderness natural to us, and the distinguishing characteristic of our family. We do therefore, in his majesty's name, hereby grant a full pardon to the persons associate, as aforesaid, for all treasons, rebellions, and offences whatsoever, committed by them at any time before the publication of these presents, whether against our royal grandfather, of blessed memory, his present majesty, or ourselves, dispensing with the generality hercof, and admitting the same to be as effectual to all intents and purposes, as if all their names had been herein set down. Provided always, that the persons aforesaid present themselves within twenty days after the publication hereof, to our trusty and beloved counsellor, John Murray of Broughtoun, Esq., our secretary, or any one of our council appointed for that purpose, at our palace of Holyrood-house, or where else we shall be for the time, with a declaration that they shall live for the future as quiet and peaceable subjects to us and our government, otherwise these presents to be of no effect to them. Given at our palace of Holyrood-house, the 24th day of September, and of his majesty's reign the forty-fifth year, 1745.—CHARLES, P. R. By his highness's command.—J. MURRAY." A few of the volunteers did accordingly present themselves; others absconded before the expiration of the twenty days, and a still greater number took no notice of the proclamation, but continued peaceably about their business.

Charles was not much more successful in his appeals to the people of the lowlands in general, for, though under the influence of fear they yielded to his exactions, they offered him very little voluntary aid. He told them, in a proclamation, dated on the 8th of October, that "being informed, that many of our father's loyal subjects, disabled from joining us by advanced years, broken constitutions, and otherwise, are heartily disposed to assist us with money, horses, and arms; but have signified that they were at a loss to know to whom they should apply for these purposes; we therefore hereby declare, that the persons in the circumstances aforesaid, sending to our secretary at the palace of Holyrood-house, or where we shall happen to be for the time, money, arms, and horses, will be considered by us as a

very seasonable and acceptable mark of their loyalty." Another proclamation, dated on the following day, forbade all peers and commoners to pay obedience to the order of king George summoning them to meet in parliament on the 17th, and absolving all people from obedience to any order or resolution that might be published in the name of either or both houses, in case they should meet in consequence of said summons. On the 10th, Charles addressed the following manifesto to "his subjects":—

"*Charles, Prince of Wales, &c., Regent of Scotland, England, France, and Ireland, and the dominions thereunto belonging: unto all his Majesty's subjects of what degree soever, greeting.*—CHARLES, P. R.—As soon as we, conducted by the providence of God, arrived in Scotland, and were joined by a handful of our royal father's faithful subjects, our first care was, to make public his most gracious declaration; and, in consequence of the large powers by him vested in us, in quality of regent, we also emitted our own manifesto, explaining and enlarging the promises formerly made, according as we came to be better acquainted with the inclinations of the people of Scotland. Now that it has pleased God so far to smile on our undertaking as to make us master of the ancient kingdom of Scotland, we judge it proper, in this public manner, to make manifest what ought to fill the hearts of all his majesty's subjects, of what nation or province soever, with comfort and satisfaction.

"We therefore hereby, in his majesty's name, declare, that his sole intention is to reinstate all his subjects in the full enjoyment of their religion, laws, and liberties; and that our present attempt is not undertaken in order to enslave a free people, but to redress and remove the encroachments made upon them; not to impose upon any a religion which they dislike, but to secure them all the enjoyment of those which are respectively at present established among them, either in England, Scotland, or Ireland; and if it shall be deemed proper, that any further security be given to the established church or clergy, we hereby promise, in his name, that he shall pass any law that his parliament shall judge necessary for that purpose.

"In consequence of the rectitude of our royal father's intentions, we must further declare his sentiments with regard to the national debt: that it has been contracted



under an unlawful government, nobody can disown, no more than it is now a most heavy load upon the nation; yet, in regard that it is for the greatest part due to those very subjects whom he promises to protect, cherish, and defend, he is resolved to take the advice of his parliament concerning it, in which he thinks he acts the part of a just prince, who makes the good of his people the sole rule of his actions.

"Furthermore, we here, in his name, declare, that the same rule laid down for the funds, shall be followed with respect to every law or act of parliament since the revolution; and in so far as, in a free and legal parliament, they shall be approved, he will confirm them. With respect to the pretended union of the two nations, the king cannot possibly ratify it, since he has had repeated remonstrances against it from each kingdom; and, since it is incontestible, that the principal point then in view, was the exclusion of the royal family from their undoubted right to the crown, for which purpose the grossest corruptions were openly used to bring it about: but whatever may be hereafter devised for the joint benefit of both nations, the king will most readily comply with the request of his parliaments to establish.

"And now that we have, in his majesty's name, given you the most ample security for your religion, properties, and laws, that the power of a British sovereign can grant; we hereby for ourselves, as heir-apparent to the crown, ratify and confirm the same in our own name, before Almighty God, upon the faith of a christian, and the honour of a prince.

"Let me now expostulate this weighty matter with you, my father's subjects, and let me not omit this first public opportunity of awakening your understandings, and of dispelling that cloud which the assiduous pens of ill-designing men have all along, but chiefly now, been endeavouring to cast on the truth. Do not the pulpits and congregations of the clergy, as well as your weekly papers, ring with the dreadful threats of popery, slavery, tyranny, and arbitrary power, which are now ready to be imposed upon you by the formidable powers of France and Spain? Is not my royal father represented as a bloodthirsty tyrant, breathing out nothing but destruction to all those who will not immediately embrace an odious religion? Or, have I myself been better used? But listen only to the naked truth.

"I, with my own money, hired a small

vessel, ill-provided with money, arms, or friends; I arrived in Scotland attended by seven persons; I publish the king my father's declarations, and proclaim his title, with pardon in one hand, and in the other liberty of conscience; and the most solemn promises to grant whatever a free parliament shall propose for the happiness of a people. I have, I confess, the greatest reason to adore the goodness of Almighty God, who has, in so remarkable a manner, protected me and my small army through the many dangers to which we were first exposed, and who has led me in the way to victory, and to the capital of this ancient kingdom, amidst the acclamations of the king my father's subjects: why then is so much pains taken to spirit up the minds of the people against this my undertaking?

"The reason is obvious; it is, lest the real sense of the nation's present sufferings should blot out the remembrance of past misfortunes, and of the outrages formerly raised against the royal family. Whatever miscarriages might have given occasion to them, they have been more than atoned for since; and the nation has now an opportunity of being secured against the like for the future.

"That my family has suffered exile during these fifty-seven years everybody knows. Has the nation, during that period of time, been the more happy and flourishing for it? Have you found reason to love and cherish your governors as the fathers of the people of Great Britain and Ireland? Has a family, upon whom a faction unlawfully bestowed the diadem of a rightful prince, retained a due sense of so great a trust and favour? Have you found more humanity and condescension in those who were not born to a crown than in my royal forefathers? Have their ears been open to the cries of the people? Have they, or do they consider only the interest of these nations? Have you reaped any other benefit from them than an immense load of debts? If I am answered in the affirmative, why has their government been so often railed at in all your public assemblies? Why has the nation been so long crying out in vain for redress against the abuse of parliaments, upon account of their long duration, the multitude of placemen, which occasions their venality, the introduction of penal laws, and, in general, against the miserable situation of the kingdom at home and abroad? All these,

and many more inconveniences, must now be removed, unless the people of Great Britain be already so far corrupted, that they will not accept of freedom when offered to them; seeing the king, on his restoration, will refuse nothing that a free parliament can ask for the security of the religion, laws, and liberty of his people.

"The fears of the nation from the powers of France and Spain appear still more vain and groundless; my expedition was undertaken unsupported by either. But indeed when I see a foreign force brought by my enemies against me, and when I hear of Dutch, Danes, Hessians, and Swiss, the elector of Hanover's allies, being called over to protect his government against the king's subjects, is it not high time for the king, my father, to accept also of the assistance of those who are able, and who have engaged to support him? But will the world, or any one man of sense in it, infer from thence, that he inclines to be a tributary prince rather than an independent monarch? Who has the better chance to be independent of foreign powers? He who, with the aid of his own subjects, can wrest the government out of the hands of an intruder; or he who cannot, without assistance from abroad, support his government, though established by all the civil power, and secured by a strong military force against the undisciplined part of those he has ruled over so many years? Let him, if he pleases, try the experiment; let him send off his foreign hirelings, and put the whole upon the issue of a battle; I will trust only to the king my father's subjects, who were or shall be engaged in mine and their country's cause; but, notwithstanding all the opposition he can make, I still trust in the justice of my cause, the valour of my troops, and the assistance of the Almighty, to bring my enterprise to a glorious issue.

"It is now time to conclude, and I shall do it with this reflection. Civil wars are ever attended with rancour and ill-will, which party rage never fails to produce in the minds of those whom different interests, principles, or views, set in opposition to one another; I therefore earnestly require it of my friends to give as little loose as possible to such passions; this will prove the most effectual means to prevent the same in the enemies of our royal cause. And this my declaration will vindicate to all posterity the nobleness of my undertaking, and the generosity of my intentions.

"Given at our palace of Holyrood-house, the 10th day of October, 1745.—C. P. R. By his highness's command.—J. MURRAY."

A declaration of a similar character was drawn up for England. At the same time the chiefs of the highland army published the following address and appeal to their countrymen:—

*"The Declaration and Admonitory Letter of such of the Nobility, Gentry, and free-born Subjects of his Majesty, as under the auspicious conduct of his Royal Highness Charles, Prince of Wales, Steward of Scotland, &c., have taken up arms in support of the cause of their King and Country: unto those who have not as yet declared their approbation of this enterprise, and unto such as have or may hereafter appear in arms against it."*

"Countrymen and fellow-subjects,—It is with abundance of regret, and not without indignation, that we daily hear and see this our undertaking, which in glory and in disinterestedness may vie with any to be met with, either in ancient or modern history, traduced, misrepresented, and reviled in those fulsome addresses and associations made to and in favour of the elector of Hanover by those very bishops of the church of England, who, for so many years, have contributed their utmost endeavours to abet and support every measure the most unpopular, pernicious, and hurtful, that the worst of ministers, be he of what party he would, could ever devise for the undoing of these nations. Is it from such patterns of virtue and piety that the nation now must take the alarm? Are we by these old bugbears of popery, slavery, and tyranny, for ever to be hindered from pursuing our only true interest? Or, is the groundless fear of an imaginary evil to prevent our shaking off the heavy yoke we daily feel? What further security, in the name of God, can a people desire for the enjoyment of their ecclesiastical rights? Have not both the king and prince-regent sworn, in the most solemn manner, to maintain the protestant religion throughout his majesty's dominions? Nay more, have they not promised to pass any law which shall be thought necessary for the further security of it? Are we not protestants who now address you? And is it not by the strength of a protestant army that he must mount the throne? Can any man, or number of men, persuade you, that we, who are your brethren, born in the same island, and who have the same in-



terest, do not love ourselves, our religion, laws, and liberties as well as you do? What further security can the nature of the thing admit of? You have your prince's promises, and here you have laid before you the sentiments of his army, who having thankfully accepted of them, are determined and resolved to set their country at liberty by establishing that glorious plan which has been freely offered to us by the only rightful prince of the British nations, and this must be done before we sheathe our swords. Our enemies have represented us as men of low birth and of desperate fortunes. We who are now in arms, are, for the greatest part, of the most ancient families of this island, whose forefathers asserted the liberties of their country long, long before the names of many of our declaimers were ever heard of. Our blood is good, and that our actions shall make appear. If our fortunes be not great, our virtue has kept them low; and desperate we may be truly called, for we are determined to conquer or die. The justice, therefore, of the cause we now appear for, the interest of the nation which we support and pursue, and the glorious character of our royal leader, may each by itself, or all together, abundantly convince the nation, that now at last there appears a happy and unforeseen opportunity of acquiring all those blessings which a distressed nation has been so long wishing for in vain. This golden opportunity we have laid hold of; and in justice to ourselves and fellow-subjects, are obliged thus to apprise them of the uprightness of our intentions, in carrying into execution a scheme calculated and adapted to those principles of liberty which the true lovers of their country have been polishing and refining for these many years past.

"Perhaps you may find fault that you were not apprised of this undertaking. No more were we. God has conducted, the prince of Wales has executed; and we are thereby in possession of Scotland, and victorious over one of the elector's armies, which nothing could have saved from total destruction, but the authority and merey of a young conqueror, possessed of all the shining virtues which can adorn a throne, and who may challenge the keenest enemy of his royal family to impute to him a vice which can blacken the character of a prince. Compare his elemency towards all the prisoners and wounded at the battle of Glads-muir, with the executions, imprisonments,

and banishments exercised by the German family after their success at Preston in the year 1715, and your affections will tell you who is the true father of the people. We have hitherto only spoke to your interests; when his royal highness comes himself amongst you, let his appearance, his moderation, his affability, his tenderness and affection for those he can truly call his countrymen, speak to your passions; then you, who, at the instigation of your enemies, are now arming for the defence, as you imagine, of your respective communities, will be able to judge from whom you will have the best reason to expect protection. Thus far we can take upon us to promise in his highness's name, that such as shall make no resistance to our troops, though before our arrival they may have been levying war against us, may nevertheless depend upon the most ample security for their persons and estates, provided, by a timely surrender of their arms, they put in our power to protect them against the fury of the army: and how foolish will it be, after this assurance, for any city, corporation, or country, to attempt to make head against the combined force of a whole nation, collected in a numerous army, and flushed with success? If any misfortune therefore ensue from a disregard of this admonition, we of his royal highness's army declare ourselves free of all blame therein. It is time for you now, O countrymen, to lay aside all animosities, all distinctions of families or names, and to confine your thoughts only to the interest of these kingdoms, connecting with them as you go along the sentiments you had a few years ago. What transport of joy would the bulk of the British nation have felt upon a certain remarkable and never-to-be-forgotten period in our political history—that great change of ministry which happened not long ago, when the cries of a distressed people, supported by the interest and influence of powerful, though designing men, accomplished the ruin of a mighty minister! How great would have been your joy, had you then had from the elector of Hanover such a declaration as that emitted the 10th of this month by his royal highness, the heir and representative of our natural and only rightful sovereign! Is it possible to conceive the universal satisfaction which such a declaration would have occasioned, unless we judge of it by our fatal disappointment? We leave it to yourselves to

make the application. As it is not our intention here to set forth the domestic grievances of the nation, nor the scandalous preference shown upon all occasions to a pitiful foreign concern; for as we address ourselves chiefly to the friends of liberty and the constitution, we suppose you all abundantly instructed in them: nor would it serve but to lengthen this letter, to enumerate the many promises contained in the king's and prince's declarations and manifestoes to his subjects upon this occasion: we have abundantly explained our own motives for now appearing in arms, and would willingly use a little serious expostulation with you, gentlemen, who intend to oppose us. What, then, in the name of God, do you propose to yourselves? Is it also the interest of Great Britain and Ireland? Or, is it the support of the elector of Hanover's family in the succession to the crown of these realms? If your armaments proceed from the first of these motives, tell us what a prince can do more to make you a free and a happy people? What security can you have more than his word, and his army's guarantee, until the nation shall have time abundantly to secure themselves by parliament? If you be satisfied with the promises made you and the security of the performance, do you disapprove of this method of bringing about the execution by force of arms? If you do, be so good as suggest another equally efficacious. That by parliament, indeed, would have been universally the most acceptable; but we cannot be so infatuated as to remain in eternal bondage, unless a parliament, composed of hirelings, should set us at liberty; nor have we any hopes, that the elector will strip himself of that peculiar influence, by which alone he has carried, over the bellies of the nation, every destructive measure. On the other hand, if the dispute is to be, whether the Stuart or Hanoverian family shall reign over Great Britain, without reference to the interest of the nation, we need use no other argument than the sword with such as shall oppose us upon those principles. To conclude, we desire to lay this important question before you in a new light. Suppose—for it is only a supposition—that this dreadful and unnatural rebellion, as you are taught to call it, should be extinguished and quashed, and every man concerned in it executed on a scaffold: your joy, no doubt, would be very great upon so glorious an event; your addresses would then be turned

into thanksgivings; your parliament would meet and clothe your beloved sovereign with new powers; your standing army, which has hitherto been looked upon as the bane of the constitution, would then be consecrated as your deliverers; and the reverend bishops of the church of England, would be hailed from the most distant corners of the island by the glorious appellation of patriots, and protectors of British liberty. O happy, thrice happy nation, who have such an army, and such a bench of bishops, ready upon this occasion to rescue them from popery, from slavery, tyranny, and arbitrary power! When indeed the first transport of your joy would be over (for you are not to expect that these halcyon days are ever to remain), you might perhaps find to your fatal experience, that the constitution of your country was not in the least improved; and upon the return of the unavoidable consequences of those evils all along complained of, and which now you have so fair an opportunity of having redressed, you would at last be sensible, that we were those, who, in truth, deserved the appellation of deliverers, patriots, and protectors of the British liberty. But this last part of our letter is addressed only to such as we expect to meet with in a field of battle, and we are hopeful, that those will prove but an inconsiderable part of the nations of Great Britain and Ireland; and that you our countrymen and fellow-subjects, upon being advised and informed, as you now have been, of the whole plan of this glorious expedition, will cheerfully join issue with us, and share in the glory of restoring our king, and in setting our country free, which, by the strength of our arm, the assistance of our allies, and the blessing of Almighty God, we shortly expect to see accomplished."

Charles still remained in Edinburgh, and, though every moment of inactivity was a loss to his cause, it was either recommended to him or forced upon him by a variety of circumstances. He was anxious to obtain possession of the castle before he removed from the capital, and general Guest, a man of decided courage and ability, did all he could to amuse him and keep him there as long as possible. The fortress was plentifully supplied with provisions and everything necessary for a much larger garrison, but Guest took care to let it be thought that he was in the greatest want. With this object in view, immediately after the battle of



Preston-pans, he wrote repeated letters to the duke of Newcastle, which he took care should fall into the hands of the rebels, in which he represented the castle of Edinburgh as being so ill provided with provisions, that if not relieved immediately, he should be obliged to surrender; and he recommended that the troops to be sent to his assistance should be dispatched by sea to Berwick or Newcastle, as the quickest conveyance. He had taken the precaution to inform the secretary of state, by a surer conveyance, of the real state of the garrison and of the deception he intended to practise on the highlanders, for fear any of the letters should escape them and reach their nominal destination. Deceived by these letters, the prince determined on blockading the castle, and on the 29th of September orders were given to the highlanders to prevent any further communication between the castle and the town. At night, Guest wrote to the provost, intimating that, unless the communication between the town and the castle were kept open, he should be obliged to use his cannon to dislodge the highlanders who were besieging him. The provost obtained a respite for that night, and next morning he sent six deputies to the prince, with general Guest's letter. Although no one under the circumstances could have been expected to act otherwise than Guest had done, Charles pretended the utmost astonishment at what he called his "barbarity," and sent the following reply in writing:—"Gentlemen,—I am equally surprised and concerned at the barbarity of the orders that have been signified to you from the castle, and which those who command in it say they have received from the elector of Hanover, at the same time that they own they have six weeks' provisions left. If he looked upon you as his subjects, he would never exact from you what he knows it is not in your power to do. And should we, out of compassion to you, comply with this extravagant demand of his, he might as well summon us to quit the town, and abandon those advantages which providence has granted us, by crowning the valour of our troops with such signal success. I shall be heartily sorry for any mischief that may befall the city, and shall make it my peculiar care to indemnify you in the most ample manner. In the meantime, I shall make full reprisals upon the estates of those who are now in the castle, and even upon all who are known

to be open abettors of the German government, if I am forced to it by the continuance of such inhumanities.—CHARLES, P.R. Holyrood-house, Sept. 30th, 1745." The inhabitants of Edinburgh were in great alarm; several meetings were held; and deputies were sent oftener than once to the castle. At last a respite was obtained for a day, and afterwards for six days, in case no attack was made upon the castle, so that the city might have time to get a mitigation of the order from London, for which purpose an express was sent off immediately.

In the afternoon of the 1st of October, the highlanders, who were not much acquainted with the formalities of war, fired upon some people that were carrying provisions into the castle; upon which Guest, considering this to be a breach of the truce, opened a fire from the walls with cannon and small arms, which damaged some houses, and wounded one of the highland sentinels, and a servant maid. Next day the prince, after posting additional troops on several points, published the following proclamation, prohibiting all further correspondence with the castle on pain of death:—"CHARLES, P. R.—Being resolved that no communication shall be open between the castle and town of Edinburgh, during our residence in this capital; and to prevent the bad effects of reciprocal firing from thence, and from our troops, whereby the inhabitants and houses of our city may innocently suffer: we hereby make public intimation, that none shall dare, without a special pass signed by our secretary, upon pain of death, either to resort to, or come from, the said castle, upon any pretence whatsoever, with certification, that any person convicted of having had any such intercourse, after this our proclamation, shall be immediately carried to execution. Given at our palace of Holyrood-house, the 2nd day of October, 1745 years. By his highness's command.—J. MURRAY." Hostilities were now openly carried on between the garrison and the highlanders, and the shots intended for the latter killed and wounded several of the townsmen. On the 3rd, a guard was placed by the prince at the West-kirk, and another at Livingston's-yards, in order more closely to block up the castle; but the same day, one of the soldiers of the garrison slipped out, set fire to a house that defended the guard at the place last named, shot one of them dead, and returned safe. A little after, a party sallied out, killed some more

of the guard, took an officer and a few men prisoners, and put the rest to flight. On the 4th at noon, notice was sent to the inhabitants to remove from the north parts of James's-court, and places adjacent, and Guest informed the magistrates that, although it was his wish to do as little harm as possible to the citizens, he must demolish the houses nearest the castle, as they gave shelter to the besiegers. A few hours after, a terrible cannonading began, and when it became dark, a party sallied out from the castle, and set fire to a founding-house and another house which was deserted by the inhabitants, who were thrown into great consternation. Meantime a party of the garrison threw up a trench between the castle and the upper end of the High-street; and to prevent interruption, scoured the streets with cartridge-shot from some field-pieces placed on the castle-hill, by which a merchant's bookkeeper and another person were killed, and several other persons wounded. Before their return, the soldiers pillaged some of the houses that had been deserted.

The firing continued next day, and distressed the inhabitants exceedingly. Bullets did execution at the head of the Flesh-market-close, so that nobody was safe in the street, and some houses were shattered. Those who lived near to the castle, removed, and carried out the aged and infirm at the imminent hazard of their lives. Great numbers who lived in places that were in no danger, likewise took fright and ran out of the town, not knowing whither; and several of the inhabitants sent off their valuable effects, many of which were lost in the confusion. It appears, also, that immediately the firing began, prince Charles left Holyrood-house, and sought safer quarters in the camp at Duddingston. On the night of the 5th of October, he pretended to yield to the clamour of the citizens, and signed the following proclamation, which was published next day:—“*Charles, Prince of Wales, &c., Regent of Scotland, England, France, and Ireland, and the dominions thereunto belonging.*—It is with the greatest regret that we are hourly informed of the many murders which are committed upon the innocent inhabitants of this city, by the inhuman commanders and garrison of the castle of Edinburgh, so contrary to all the laws of war, the truce granted to the city, and even exceeding the orders given upon this occasion. As we have threatened, we

might justly proceed to use the powers which God has put in our hands, to chastise those who are instrumental in the ruin of this capital, by reprisals upon the estates and fortunes of those who are against us; but we think it noways derogatory to the glory of a prince, to suspend punishment, or alter a resolution, when thereby the lives of innocent men can be saved. In consequence of this sentiment, our humanity has yielded to the barbarity of our common enemy; the blockade of the castle is hereby taken off, and the punishment threatened suspended. Given at our palace of Holyrood-house, the 5th day of October, 1745 years.—CHARLES, P. R.” After this, people walked in the streets with less danger, though it was still not safe to be seen near any highlanders in sight of the castle. Four or five of the townspeople were killed, and a good many wounded, by shot from the castle while it was blockaded; while the highlanders, who kept under covert, appear to have suffered little.

Charles's favourite plan had from the first been to march immediately into England, where he nourished the most confident expectation of a general rising of the jacobites in his favour, an illusion which was not dispelled even by the small sympathy he had hitherto met with in the lowlands of Scotland. It appears evident that the prince was better adapted to shine in a ball-room than in a camp, and the gaiety of his court and the frequency of his evening parties, made a great impression upon the ladies of Edinburgh, among whom he is said to have gained numerous partisans; but very few of the lowland gentlemen ranged themselves under his standard. Still he waited from day to day in expectation, first, of reinforcements from France, and, secondly, of the return of the highlanders who had gone home to secure their plunder after the battle of Preston-pans, and of the arrival of others of the clans. In his last expectation he was not disappointed, for his victory, which was greatly exaggerated in the reports spread abroad by the jacobites, had produced an extraordinary effect in the north, where the jacobite clans who had hitherto held back, no longer hesitated in declaring themselves, while most of the doubtful clans were unable to withstand the temptation placed before them by the return of the highlanders with their plunder. The same effect was produced to a considerable degree through the mountainous dis-



tricts of the south which bordered on the highlands, properly so called; and on the 3rd of October the lord Ogilvie, eldest son of the earl of Airlic, arrived at Charles's camp with a good regiment of six hundred men. He was followed next day by Gordon of Glenbucket, with a regiment of four hundred men; and on the 9th, a man of far greater worth, from the respectability of his character, lord Pitsligo, brought in six companies of infantry, and a body of cavalry formed of gentlemen and their followers from the counties of Aberdeen and Banff.

Of all the highland clans, prince Charles and his friends were most anxious to gain over the Macleods and the Macdonalds of the islands, and three days after the battle of Preston-pans, a trusty messenger was dispatched to these powerful chiefs, who was to assure them that the prince did not impute their previous delay to want of loyalty, but that, if they would come forward, he was still ready to receive them as the most favoured of his followers. When his arguments proved ineffectual, Charles's messenger left Skye and proceeded to Castle-Downie, the chief seat of lord Lovat, with whom he held a long conference. Lovat had been wonderfully elated with the news of the battle, which he declared was a victory not to be paralleled in history; he expressed his belief, that, "as sure as God was in heaven, his right master would prevail;" and declared that, in spite of his age and infirmities, he hoped still to lead to his standard such a body of men as would be worthy of a duchy. The chief of the Macleods (Macleod of Macleod), seems also to have been staggered by the news of the prince's victory, and visiting lord Lovat after the departure of the messenger, that wily and unprincipled chief inveigled him into a promise to support the prince. With his assistance, Lovat calculated that he should be able to assemble an army of five thousand men, and had sent a boasting account of his prospects to the young pretender's camp. But when Macleod returned to Skye, the better counsels of his friend sir Alexander Macdonald prevailed, and, a few days after, he wrote to lord Lovat to inform him that, after fully deliberating with sir Alexander, they had resolved to stay at home and not trouble the government. Lovat was obliged to send a messenger to Edinburgh with a letter informing the prince of his disappointment, which he assured him was so great that, on reading Macleod's

letter, "he had almost fainted, and his body swelled with grief and vexation." "The base and treacherous behaviour of our cousin the laird of Macleod," he said in this letter, "has almost cost me my life already. The night before he took his journey to the isle of Skye from this house, sitting by me, he looked up seriously, and swore to me that, as he should answer to God, and wished that God might never have mercy on him, and that he might never enter the kingdom of heaven, but that his bones might rot on earth, be burnt, and his ashes blown up in the air, if he did not come with all speed imaginable, and with all his men that were already prepared." Lovat now excused his personal attendance on account of his health, but promised to show his attachment by sending his clan under the command of his eldest son. He had already allowed his son-in-law, Macpherson of Clunie, to raise recruits for the pretender among the Frasers, and he now ordered his son, whom he had always treated in the most arbitrary and tyrannical manner, to raise the clan and proceed south.

But while writing thus to the prince, Lovat used very different language to Duncan Forbes, with whom he still kept up a correspondence, and to whom he professed constant loyalty, complained of the undutifulness of his son and his clan, who were breaking their allegiance to king George to follow the false prince, and of his age and infirmities, which prevented him from exercising his personal authority to stop them. He complained especially of a stitch in his side, with shortness of breath, and horrible tortures which could not be alleviated even with warm brandy. "My stitch," he said, "will soon make an end of me; and then I'll be no further troublesome to my dear lord president, or to any other of my friends; and the mad youth will be then lord Lovat, as well as colonel of his rebellious regiment. I do assure you, my dear lord, that I will not regret dying at this time, that I may not see the evils that threaten my family, which was always regarded as an honest brave family in this country. I am very easy about my obstreperous and unnatural son, and the mad people that feed him in his false ambition; but the thoughts and fears of seeing the honest family of Lovat demolished and extinguished in our days, pierces my heart and soul with the most melancholy thoughts, which would be enough to kill me, though

I had no stitch nor pains in my body." "As to my clan," he added, "I wish with all my heart that the villains and rascals of them were seized and severely chastised and punished; but I believe they are marched south, in the regiment of that unhappy youth, to screen themselves from justice; and I would be very glad that the fifth man of them were hanged. But, my dear lord, as to the honest gentlemen and tenants that have stayed at home for love of me, and for love of peace and quietness, it would be the hardest case in the world that those honest people should be molested." It is not probable that Forbes was in the slightest degree blinded by these protestations; but aware of the comparatively helpless state in which the English government had left their friends in the north, he preferred for a time holding him back partially by persuasions and warnings to driving him into the rebellion. Lord Loudon, who showed himself one of the most loyal chiefs in the north, had kept a regiment together, and was daily increasing the number of his men; so that he and the lord president Forbes, with some of their friends, held the jacobite or wavering clans in their neighbourhood in check, and retained some of them in their obedience. Nor did Forbes himself escape without personal danger, for at this very time a treacherous attempt was made to surprise him in Culloden-house by a party of Lovat's clan under Fraser of Foyers. But Forbes was too much on the alert, and his house too well fortified and defended, to be taken by surprise. Having attacked the place in vain, the highlanders carried off his sheep and cattle, and robbed his gardener and weaver. It was accidentally discovered that the assailants were Frasers, and Forbes complained of it to Lovat, without imputing any share of the blame to him. The chief of the Frasers professed great indignation that so detestable an affront should have been put upon him by any of his name; and solemnly swore, "that if any villain or rascal of my country durst presume to hurt or disturb any of your lordship's tenants, I would go personally, though carried in a litter, and see them seized and hanged."

The prince himself appeared, with the old infatuation of his family, to have been bent only upon showing by his personal actions, the emptiness of his professions of toleration and liberality. He had now formed a regular privy council, but in the choice of his coun-

cillors he showed a prepossession in favour of the extreme jacobites, those who held the doctrines of divine right, and the absolute power of princes; and it was observed by those who served on the council, that he not only never took its advice, but that he showed an open and permanent dislike to any member of it who differed in opinion from himself. This council consisted of the duke of Perth and lord George Murray, O'Sullivan (the Irish quartermaster-general), the prince's secretary Murray, sir Thomas Sheridan, the lords Elcho, Ogilvie, Nairn, Pittsligo, and Lewis Gordon, with Lochiel and the greater highland chiefs. As yet, however, he had done nothing towards establishing any regular form of government, and while he was passing his time in the capital in giving dinners and balls, the forces of his enemies were increasing much more rapidly than his own. The whig clans were beginning to show more activity in the north, and this alone hindered many of the jacobite clans from declaring themselves and leaving their homes thus exposed to plunder and outrage. In the south the young pretender's proclamations and promises produced no effect, and the disinclination to his cause was so great, that in one or two places it was displayed in imprudent demonstrations. A remarkable instance of this feeling occurred at Perth, where on the 30th of October, which was the birthday of king George, about one hundred maltmen and other tradesmen's servants, possessed themselves about mid-day of the church and steeple, and rang the bells. Perth had been left by prince Charles in the guard of about a dozen men, mostly workmen in the town, who were hired for that purpose, under Mr. Oliphant of Gask, who was appointed deputy-governor by the prince Charles. Oliphant required those who rung the bells to desist, but his message was treated with contempt, and they continued ringing. In the afternoon, Mr. Oliphant, with his small guard, and three or four gentlemen, posted themselves in the council-house, in order to secure about four hundred small arms, ammunition, &c., belonging to the highland army, which were lodged there and in the tollbooth adjoining. At night seven north-country gentlemen of the jacobite party, with their servants, came to town, and immediately joined their friends in the council-house. Meanwhile the mob made a bonfire or two on the streets, and some loyal people having illuminated their win-



dows, the mob ordered all the inhabitants to follow their example, broke the windows of those who did not illuminate, and proceeded to other outrages. About nine o'clock at night, a small party from the council-house, marching up the street to disperse the mob, fired upon and wounded three of them; upon which the mob rushed in upon the party, and disarmed and wounded most of them. The mob now placed guards at all the gates of the town, took possession of the main guard, and rang the fire-bell repeatedly, in order to raise the people, by which they drew together about two hundred, but none of any note. They next ran up and down the streets, and entered some houses, insulting those whom they thought to be jacobites. Before they rang the fire-bell the second time, they sent a message in writing, signed by initials, to Mr. Oliphant, requiring him to withdraw instantly, and yield up the arms, ammunition, &c., to them. This was refused; and thereupon hostilities were begun about two o'clock in the morning, and continued till about five. The mob firing at the council-house from close-heads, from behind stairs, and from windows, so that they in the council-house could not show themselves without danger. An Irish captain in the French service was killed in the council-house, and three or four wounded. Of the mob four were wounded, of whom one, a weaver, died in two or three days. About five o'clock in the morning the mob dispersed, and next day about sixty of lord Nairn's men were brought into the town, and they were followed soon after by about a hundred and thirty highlanders.

Immediately after this occurrence (on the 1st of November), the highland army, which had broken up its camp at Duddingston in the middle of October, began its march from Edinburgh. The young pretender had persisted from the first in declaring his resolution of marching into England, and various circumstances now decided him in carrying this design into effect. The highlanders who went to the mountains after the battle of Preston-pans had now returned to his standard, and with those who had joined him in the meantime, his force amounted to about six thousand men, of whom about five hundred were cavalry. There appeared no further hopes of immediate reinforcements, for lord Lovat had informed him of the refusal of the Macdonalds and Macleods of Skye to join him,

and their examples held back many of the other clans. On the other hand, Charles was gradually wasting his resources in Edinburgh; the means of supplying himself with money were rapidly failing him. On his first arrival at Edinburgh, he had extorted five thousand five hundred pounds from the city of Glasgow, and he had raised as much as he could in the shape of taxes and contributions from Edinburgh and the country around. He had written flaming accounts of his successes to his friends abroad, with pressing applications for assistance, and as the darker weather approached, a few French ships contrived to elude the English cruisers and bring him some supplies. By one, which reached Montrose, he received about five thousand pounds in money. Others successfully put in to the same coast, bringing a small sum of money, five thousand stand of arms, and six field-pieces, with several French and Irish officers. With them came M. de Boyer, who brought a letter of congratulation from the king of France, and who was paraded among the highland chiefs with great ostentation under the gratuitous title of a French ambassador. He thus raised their courage with the belief that Louis was preparing to send a powerful army to his assistance. Still, with an army of nearly six thousand highlanders, besides other demands, the money thus obtained was very insufficient for his necessities, and he was reduced to such expedients as that of seizing the goods of smugglers which had been deposited in the custom-house at Leith, and selling them back for low prices to the smugglers from whom they had been taken.

When the prince's design of marching into England was laid before the council, it met with earnest opposition. Some urged that it would be folly to leave their present quarters before the arrival of the French army, of the sending of which they had Charles's positive assurance; and others were unwilling to leave their country until at least they had received from France a supply of money. There were some who were of opinion that the pretender ought to rest satisfied for the present with securing himself in his ancient kingdom, and that he should not attempt to obtain that of England. But Charles would listen to no reasons of this kind; he told them that he had letters from England assuring him of a general rising of the English jacobites the moment he reached the border, and told them he was confident of an invasion by

the French; and he thus persuaded a majority of the highland chiefs to decide against their own convictions on marching south. This resolution being taken, all the out-parties were called in at the end of October, and the army was then found to amount to not quite six thousand men, including about five hundred cavalry, with thirteen pieces of artillery of different sizes. The clan regiments, or real highlanders, amounted to about four thousand, all dressed in their own costume. Of the horse, two troops were guards, commanded by lords Elcho and Balmorino; another, light horse, or hussars, for scouring the country, commanded by lord Kilmarnock; and the rest, irregulars.

At six o'clock in the evening of the 30th of October, Charles left the palace of Holyrood to join his army, and he slept at Pinkie-house that night. On the 1st of November, the last of the highlanders departed from Edinburgh; and the same day the prince began his march, having given the command in Scotland during his absence to lord Strathallan, who was to remain at Perth with some Jacobite gentlemen and a few French and Irish officers and their men, to look after the reinforcements expected from France, and to form an army of reserve with the other highlanders who might come in. Charles was joined at the last moment by Macpherson of Clunie and Menzies of Sheen, with about nine hundred more highlanders, but the master of Lovat had not yet brought in the Frasers. To deceive their enemies as to their intentions, the rebel army began their march in three different parties, one proceeding by Hawick and Moss-paul, another by Peebles and Moffat, and the third, which Charles himself accompanied, marching direct to Kelso, from whence he might have turned either to Carlisle or to Newcastle. This last body formed the rear; it marched from Dalkeith on the 3rd of November, the prince on foot, with his target over his shoulders.

The city of Edinburgh had been so effectually disarmed by the highlanders, that when on their departure the city trained bands took possession of the main guard, their only weapons were eudgels. The highlanders had left about two dozen of their wounded in the infirmary at Edinburgh; and they made one or two gentlemen of known attachment to the Hanoverian government promise to use their interest to protect them from any harsh treatment.

Bailie John Wilson, merchant, was taken as a hostage for the performance of this promise; but, after staying one night with the army at Dalkeith, he was permitted to return next day (November 2nd), upon some citizens signing a paper to the same purpose as the promise made by the gentlemen above mentioned. On the 4th, some parties came out of the castle and searched for arms; and entering the infirmary, where they found a few arms, they treated some of the highlanders rather roughly, and took some trifling articles from them. On receiving information of this proceeding, the gentlemen who had given this promise ordered a note to be made of the loss sustained by the highlanders, in order to their being reimbursed, and requested general Guest to give strict orders that no injury should be done them for the future, a request with which he readily complied. General Blakeney having received intelligence that the rear of the men who conducted the arms, &c., from Montrose, were to pass the Forth at Alloa on the 30th of October, dispatched captain Abercromby from Stirling, with some soldiers and countrymen, to attack them; which was done successfully. They wounded some of the men and took several prisoners, and captured some cows, horses, baggage, arms, money, and letters; all which were carried into Stirling castle that night.

Nor was this the only indication of the little favourable feeling the young pretender left behind him; for the opposite party began everywhere to raise their heads again. Glen-gyle, of the clan M'Gregor, who was appointed governor of Innersnaid, Down, &c., by prince Charles, having gone with a party into Argyleshire, in order to raise men, was attacked by three companies of Loudon's regiment from Inverary, under the command of their lieutenant-colonel, John Campbell, and obliged to retreat, with the loss of two men killed and eighteen taken prisoners. Colonel Campbell had one man killed.

On the 5th of November the following proclamation was posted up in Edinburgh:—"GEORGE WADE, Esq., *Field-marshal of his Majesty's forces, one of his Majesty's most Honourable Privy Council, Lieutenant-general of the Ordnance, and Colonel of one of his Majesty's regiments of horse, &c.*—Whereas it has been represented to his majesty, that several of his subjects inhabiting the highlands of Scotland, and



others, have been seduced by menaces and threatenings of their chiefs and superiors, to take arms, and enter into a most unnatural rebellion, his majesty has authorised me to assure all such who shall return to their habitations on or before the 12th day of November next, and become faithful to his majesty and his government, that they shall be objects of his majesty's clemency: but if, after this his most gracious intention being signified, they continue in their rebellion, they will be proceeded against with rigour suitable to the nature of their crime. Given at the camp at Newcastle-upon-Tyne, this 30th day of October, 1745.—GEORGE WADE."

Public worship was resumed in several of the churches of Edinburgh on the 3rd of November, in all of them on the 10th, and continued regularly ever after. The synod of Lothian and Tweeddale, and the presbytery of Edinburgh, voted compliments to the commanders in the castle for their vigilance in the late time of danger. Addresses were likewise sent to the king by several ecclesiastical courts, and a letter was published from the presbytery of Dornoch to the earl of Sutherland, thanking his lordship for his early appearance in favour of the Hanoverian government.

The officers of state, who had retired to Berwick, now returned to Edinburgh, and resumed the functions of their several posts. The lord justice-clerk, and some others of the lords of justiciary, entered the city on the 12th of November, attended by the earl of Home and lord Belhaven, high-sheriffs of the counties of Berwick and East Lothian, Mr. Alexander Lind, sheriff-depute of Edinburghshire, and a great number of the gentlemen and others of these counties. At the cross they were met by the gentlemen lately in the administration, and other inhabitants of distinction. They alighted in the parliament-close, and were saluted by a round of the great guns from the castle, the music-bells playing the whole time of their procession, and the people making loud demonstrations of joy. Next day, lieutenant-general Handasyd arrived in town from Berwick, with Price's and Ligonier's regiments

of foot, and Hamilton's and Ligonier's (late Gardiner's) regiments of dragoons. All the foot and Ligonier's dragoons were quartered within the city, and Hamilton's dragoons in the Canongate. As there were at that time no magistrates, the constables were in a doubt how they could lawfully billet the troops upon the inhabitants, and therefore obtained a warrant for that purpose from the lord justice-clerk, the lords Minto, Elchies, and Drummore, as justices of the peace.

A meeting of the subscribers to the fund for raising the Edinburgh regiment was called on the 20th, and a new subscription was opened for completing the number of one thousand men, to be under the direction of the commander-in-chief of the forces in Scotland; and an advertisement was published, inviting the men formerly enlisted to re-enter, and promising a reasonable gratuity to such of them as had shown an alacrity to march out and fight the highlanders. All able-bodied men, whose loyalty could be attested, were likewise received, and were bound to serve only three months. Letters were sent to ministers and well-affected gentlemen to assist in persuading proper persons to enlist. On the 27th the freeholders of the county met at Edinburgh, and they ordered letters to be sent to the several ministers, requesting them to assist the heritors in preparing lists of able-bodied men within their parishes, to be forthwith levied, armed, and to march to the defence of the city if occasion required. The same spirit reigned in other places of the kingdom, especially in the west. Stirling raised four hundred men, and put them under the command of General Blakeney. The militia of Glasgow and neighbourhood, amounting to three thousand men, having received arms from Edinburgh, were reviewed by the earl of Home. About three hundred seceders appeared likewise in arms. Major-general Campbell came to Inverary, with money, arms, ammunition, &c., from England, in order to raise the people of Argyleshire. After the return of the officers of state to Edinburgh, the banks resumed their business, and the castle-flag was no longer displayed.

## CHAPTER IX.

### THE MARCH INTO ENGLAND.

THE prince, with his division of the army, arrived at Kelso on the night of the 4th of November, and next day he sent a messenger to Wooler, in Northumberland, to order quarters to be provided for four thousand foot and a thousand horse, in order to deceive his opponents as to his design and numbers. Many highlanders deserted at Kelso, and the army had sustained some loss from this cause and from the seizure of stragglers by the country-people, during the whole of its march from Edinburgh. After reposing a day at Kelso, Charles left that town on the 6th, and turning off on the road to Hawick, arrived at Halyhaugh on the 7th. Next day he continued his march to the river Esk, which he crossed into Cumberland on the 9th, and passed that night at a place called Reddings, on the road to Carlisle. When the highlanders first set their feet on English ground, they drew their claymores, and flourishing them in the air, set up a great shout. Their exultation, however, was suddenly damped by a very trifling incident, for Lochiel happening in drawing his sword to cut his hand, his superstitious followers turned pale at the sight of his blood, which they looked upon as an omen of disaster. In the course of this and the following day, the other divisions of the army joined the prince, and the united body moved towards Carlisle.

General Wade had assembled a strong body of troops at Newcastle, with which he was preparing to move to Berwick, when he received information of the march of the rebels towards the border. Completely deceived by Charles's first demonstration, he expected him at Newcastle, and entirely overlooked the danger which threatened Carlisle, where the whole garrison consisted of a company of invalids commanded by colonel Durand. The main body of the militia of Cumberland and Westmoreland were, however, in the city, commanded by colonel Durand and the mayor, Mr. Pattison, who resolved to defend the place, the fortifications of which were in a very decayed condition. Early in the day, on the 9th of November, a party of highlanders, well mounted, showed themselves on Stanwix bank, close to the city, but after a few shots

from the castle they withdrew. In the afternoon, the mayor received a message requiring him to provide for the reception of the highland army in the city, to which he refused to listen, and the same night the whole of the prince's forces approached the place. Next day a strong party approached the walls, first bending towards the Irish gate, but afterwards marched round to the English gate, apparently with the design of reconnoitring the place, and they were fired at both from town and castle. At three o'clock in the afternoon, the mayor received the following message in writing, dated November 10th, two in the afternoon:—"Charles, Prince of Wales, Regent of the Kingdoms of England, Scotland, France, and Ireland, and the dominions thereunto belonging.—Being come to recover the king our father's just rights, for which we are arrived with all his authority, we are sorry to find that you should prepare to obstruct our passage. We, therefore, to avoid the effusion of English blood, hereby require you to open your gates, and let us enter, as we desire, in a peaceable manner; in which if you do, we shall take care to preserve you from any insult, and set an example to all England of the exactness with which we intend to fulfil the king our father's declarations and our own. But if you shall refuse us entrance, we are fully resolved to force it by such means as Providence has put into our hands; and then it will not perhaps be in our power to prevent the dreadful consequences which usually attend a town's being taken by assault. Consider seriously of this, and let me have your answer within the space of two hours; for we shall take any farther delay as a peremptory refusal, and take our measures accordingly. By his highness's command—JO. MURRAY." No answer was returned to this message, for the mayor and colonel Durand, supposing that they should be relieved immediately by general Wade from Newcastle, had resolved to defend the city. It was expected that an attack would be made in the night, as the firing continued till midnight.

News, however, had been received by the prince that general Wade was approaching rapidly by way of Hexham, in consequence of



which, next day (the 11th), the highlanders marched to Brampton, in the forest of Inglewood, about seven miles from Carlisle, on the road to Newcastle, there to wait for general Wade. Upon the 12th, a part of the highlanders remained at Brampton, Warwick-bridge, and the villages between those two places. They had then sixteen field-pieces. Hearing nothing more of Wade, a strong division returned, on the 13th, to Carlisle.

At first, those to whom the defence of Carlisle was intrusted made a great show of resolution, but this did not last long. The trenches were opened before Carlisle in the evening of Wednesday, the 13th, and were conducted under the direction of Mr. Grant, the chief engineer of the rebels; and the highlanders laboured so assiduously, that on Friday morning the batteries were erected within forty fathoms of the walls, the cannon and small arms from both city and castle playing furiously at them all the time, but with little loss to the besiegers. The duke of Perth and the marquis of Tullibardine are said to have worked at the trenches in their shirts, though the weather was excessively cold. Within the city, the militia, in consequence either of fear or of want of courage, performed their duties unwillingly, and began to desert in such numbers, that some of the officers were without men. The consequence was, that on Friday, when the cannon began to play, and the scaling-ladders were brought forward for an assault, a white flag was hung out, and the city offered to surrender upon terms for themselves. On this an express was sent to the prince, who had remained at Brampton with a great part of the army, under pretence of covering the siege operations; but he answered, that he would not do things by halves, and that the city had no terms to expect unless the castle surrendered at the same time. When this answer was reported, colonel Durand, who had declared his intention of defending the castle till reduced to the last extremities, consented to surrender the castle also. The terms were, that the town and castle, with the artillery and magazines, should be delivered up; that the men should lay down their arms in the market-place, after which they were to have passes to go where they pleased, upon taking an oath not to carry arms against the house of Stuart for a twelvemonth; that the city of Carlisle should retain its privileges; that the citizens should deliver up all arms, &c., and also the horses of such as had appeared in arms against the

prince; and that all the deserters, particularly the soldiers enlisted with the highlanders after the late battle, who had fled to Carlisle, should be delivered up. On Friday afternoon the duke of Perth took possession of the place in the pretender's name, and next day they proclaimed him, in presence of the mayor and other magistrates, with the sword and mace carried before them. They found in the castle and city a great number of cannon, about fifteen cohorn mortars, a great quantity of cannonballs, grenades, small bombs, pickaxes, and other military stores; and among other arms, many of the broadswords taken at Preston in 1715, and about one hundred barrels of gunpowder.

General Wade marched from Newcastle on the 16th, and reached Hexham on the 17th at midnight. He was there informed of the surrender of Carlisle, and of the advance of the highlanders to Penrith, and as the roads were almost impassable, he retraced his steps to Newcastle.

The highland army had now been several days on English ground, but there was no kind of demonstration in the pretender's favour, and no news of assistance from any quarter. Many of the chiefs were opposed to proceeding any further, and wished to march back into Scotland, so that there was much division and warm disputes in Charles's council. Matters were not improved by a violent quarrel which had arisen during the short siege of Carlisle, between the two commanders, the duke of Perth and lord George Murray, which led to the resignation of the latter. A great mass of the highland army, however, consisted of protestants, who disliked the earl of Perth as a papist, and several officers signed a petition to the prince, begging him to reinstate lord George Murray, and dismiss all Roman catholics. The duke of Perth now resigned his commission of lieutenant-general, which was accepted, and lord George was made sole lieutenant-general under the prince, while Perth consented to remain merely as colonel of his own regiment. Perth appears to have been the leader of the party opposed to the further advance into England, and Ray, in his *History of the Rebellion*, has preserved a speech, said to have been made by the duke in council, and handed about at the time, which gives a good picture of the state of feeling of this party. He is represented as having said—"May it please your royal highness, I cannot help expressing the concern

I am in, to see so little unanimity, and so much heat and animosity prevail in this honourable assembly; my concern wants words sufficient to express it, when I reflect, that there are so many reasons to complain of our present situation; that there are so many circumstances daily occurring to perplex us in our projects, to weaken our strength, and discourage us in our undertaking. Our disappointments are so many, that we can number them only by the days that have elapsed since our first insurrection; and their greatness to be measured only by the danger into which we are now plunged. Our hopes before your highness's arrival in Scotland, were raised to the highest pitch, and could only be equalled by the zeal which subjects of all ranks in that kingdom expressed for his majesty. We flattered ourselves, that your highness would have appeared backed by a numerous army, well supplied with arms, money, and ammunition; their number, we were made to believe, would not be less than ten thousand men, and those of the best troops in France. These were solemnly promised by Mr. Kelly, when with us last spring; we were told they were ready in the ports of France, with transports and a fleet sufficient to protect their landing. But, when the time came, how were we disappointed! your royal highness landed in the west, with a retinue scarce sufficient for a private gentleman: however, this did not discourage your faithful clans from joining you; being still flattered that the promised succours were at hand, and would certainly arrive before there was any occasion of coming to an action. The numbers of the faithful highlanders still increased, till they were strong enough to venture for the east. When I had the honour of joining your highness at Perth, I was then assured that the French were actually embarked, and waited only for a fair wind; and that a considerable insurrection would presently appear in the north, and several other parts of England. The places of the several risings were particularly mentioned, and we were made acquainted with the names of many considerable men in England, who had undertaken to appear openly in his majesty's interest. We were assured, that his most christian majesty would certainly detain the English forces in Flanders, and would hinder the Dutch from sending any troops into Great Britain, by openly declaring your royal father his ally. But how we have been disappointed in

every article of these promises! The long-promised succours are not to this day embarked; the Brest squadron, which we were made to believe was to conduct the transports, has long since sailed, but whither no man knows; only we are certain they could not be designed for this kingdom, for they have had both time, and frequent fair winds, to have brought them long before now. His most christian majesty has been so far from declaring himself openly in favour of his majesty, that his minister at the Hague peremptorily declared to the states, that his master had no hand in the Don Quixote expedition, as he was pleased to term your highness's undertaking in Scotland. The Dutch were allowed, without molestation, to send over six thousand of those forces which were made prisoners by the French king's arms; troops which could be of no use to the Dutch in their own country by the capitulation with France—troops which his majesty of France could hinder being made use of against us, by a simple declaration that your royal father was his ally; yet this was thought risking too much in favour of a people who had ventured their all upon the assurances, promises, and faith of the French king. And what makes this disappointment sit the heavier upon us, is, that we are sure, if the Dutch had not sent these very identical troops, they would have been very much embarrassed to have spared others to perform their engagements with the elector of Hanover. But the promise of detaining the English forces was as ill performed as the other, though that solely depended upon his most christian majesty's general. They had it in their power to have hindered every man of them from returning to England; and either I am very ill informed, or they might have made most of them prisoners, had the French general been as sanguine at the latter end of the campaign, as at the beginning of it. But they were allowed to embark at Williamstadt without interruption, and are now almost landed in England, without the loss of a transport; though the possession of Ostend enabled his most christian majesty, had he been so inclined, to have annoyed them much. As to our hopes from England, they have been as delusive as French promises. When we arrived at Edinburgh, and had the fortune to defeat sir John Cope, our assurances of a speedy insurrection in England were renewed, and the days fixed; but these, and many others, have passed by, and



not the least appearance of any such design; though on the faith of them we continued inactive at Edinburgh. We might have proceeded southward, while the panic of Cope's defeat was fresh upon people's minds, and before the elector's forces could possibly be got together; but the opportunity was lost, in hopes, sir, that your English friends would declare for you, and supersede the necessity of your loyal clans going out of their own country. But, instead of any such numbers declaring for you, we were entertained with nothing but associations in all the parts of England, in defence of the elector's right; and not a man from that kingdom either joined us in Scotland, or made any interest to promote an insurrection in our favour in their own country. At last, sir, the scene was shifted, and new conditions annexed to old promises. We were now told that the French embarkation was delayed till all the English forces were drawn northward; and that then an invasion would be made in some part of the south, now supposed to be left destitute of troops to defend them; and that the English in the north are now intimidated from rising, by the vicinity of the enemy's troops, but promise faithfully to join us, so soon as our army gets foot on English ground. The general disposition of the people is represented to us as strongly in our interest; and we are assured, that the gates of all towns will almost open of themselves to receive us, and that the people ardently wish to join us. Notwithstanding the numerous disappointments we met with from the first beginning of this affair, yet we were again persuaded to listen to delusive promises. We march from Edinburgh and enter England; but, instead of that disposition to join us, which we were flattered with, we find those who cannot oppose us, fly us; and those who have the least shelter from our resentment despise us, and treat us with the utmost contempt. We were assured by a gentleman, upon whose veracity I always thought I might depend, and who now hears me, that the city of Carlisle, we have just now passed, would open its gates to us at our first appearance; nay, that your highness would have received the keys of the city some miles from the place. But how we were disappointed you all know, and with how much contempt your highness's summons was treated. The value of the place I know to be insignificant; nor do I believe the possession of it would be of any

real service to the main cause; yet the repulse we have met with from that paltry town, has this influence upon me, to convince me, and, I am afraid, too late, that we are all made the tools of France; a nation whose faith, like that of Carthage, is become a proverb; and there is as little dependence on the promise of English malcontents, whose zeal for your royal house these fifty years past, has manifested itself in nothing else but womanish railing, vain boasting, and noisy gasconades; their affection for you is most elevated when in their cups; and their sense of loyalty only conspicuous in the absence of their reason: warmed with wine and a tavern fire, they are champions in your cause; but, when cool, their courage and zeal, sir, for you and yours, evaporate with the fumes of the wine. Thus, sir, I conclude that we have no dependence on English assistance; to what purpose proceed we any further then? The elector's forces are by far superior to ours in number; daily supplied with money, arms, carriages, and ammunition; while we are destitute of all these. Your loyal highlanders will fight for you with as much zeal and courage as men can boast of; but shall we lead these brave men to certain destruction? Were the enemy's numbers but equal to us, or but exceeded us in a small proportion, I doubt not, but from the justness of our cause and the courage of our men, we might hope for success; but when they are three to one, and that we must expect to diminish rather than increase, I would think myself guilty of the grossest barbarity, should I give my voice to proceed any further into England, until such of this nation as have promised to declare for the cause actually join us. I entered, sir, into this affair with as much cheerfulness as any man here; I have contributed as much to support it as any; and I think I may say without offence, that I have as much to lose by the event as most men, and as little to hope. I shall venture my life with pleasure to promote his majesty's interest; yet, I think, I owe something to the safety of those people who have followed my fortune. I think I am bound in duty to prevent their ruin, as much as in my power, which I think inevitable, if they proceed any further; therefore I propose that we may return to Carlisle, and attempt to possess that city; for taking of it may give some reputation to our arms, and encourage the English to join us, if they have any such intention; if they have not, we

must then make the best retreat back to the highlands while we can, there disperse our unhappy followers, and shift for ourselves in some foreign country, where there is more faith than in either France or England."

On the 17th of November, prince Charles made his triumphal entry into Carlisle, and another council of war was held, at which the question of their future proceedings was again warmly discussed. It was proposed by some to direct their march to Newcastle, and fight Wade. Others, with the prince, were for marching direct to London. Others persisted in expressing their fears of the destruction which awaited them if they went farther into England. Their uneasiness, too, had been increased by the intelligence from Scotland, where supplies and reinforcements had been thrown into Edinburgh, and most of the other large towns in the south had begun to recover from their surprise, and were giving alarming proofs of their loyalty to the existing government, while the earl of Loudon and the lord president, Duncan Forbes, were successfully raising and arming the whig clans in the north. Lord Strathallan had been left at Perth to collect a second army of highlanders, and Charles had now sent him orders to march into England and join him with all speed; but Strathallan was so surrounded by enemies, that he was not in a position to obey. In spite of all these discouraging circumstances, Charles was obstinate in his determination to proceed to the south, and he silenced the objection founded on the apparent absence of all sympathy in England, by declaring his conviction that the moment he entered Lancashire, the old friends of his family would show themselves. M. de Boyer, the pretended French ambassador, who had accompanied the prince in his march into England, was made to declare with equal confidence that a French army was about to land in England. Their scruples being silenced by these statements, and influenced by lord George Murray, who warmly supported the prince's plan, the chiefs were all at length induced to agree to continue their march, although they knew that general Wade was preparing to hang upon their rear, and that another army was gathering in their front, under the command of sir John Ligonier.

On the 21st, Charles marched in two divisions from Carlisle, where he left a garrison of two hundred men. The first division,

consisting of six regiments of foot and a troop of horse-guards, went first, under the command of lord George Murray; the second was commanded by Charles in person, and followed the other a day later; and in the rear of this division was the artillery, guarded by the duke of Perth's regiment, the second troop of horse-guards, and a few "hussars." The two divisions joined at Preston on the 27th of November. A superstitious feeling gained upon the highlanders as they approached this town, the scene of more than one disaster to the Scots on former occasions, and many believed that they would never get beyond it; but this sinister feeling was dispelled by lord George Murray, who crossed the bridge immediately he arrived there, and quartered a considerable number of his men on the other side of the river. "Volunteer" Ray, who followed upon the line of the prince's march to reconnoitre his force and movements, has left us an amusing account of it, the circumstances of which may be taken without distrust, though the narrative displays a strong prejudice against the Scots. "At the same time," says he, "when they set out, I did also, in order to reconnoitre them, and go to the king's army. They took leave of Carlisle, flushed with their success; some of them, being well mounted and accoutred with the spoil of our country train bands, made a tolerable good figure; but for the most part, they were a very despicable mob; and had it not been for the arms they carried, it might well be thought there was a famine in Scotland, and that they came to England to beg; but they soon undeceived us, letting us know that they were sturdy beggars, committing all manner of rapine as they ran along the country; and their chiefs threatened the towns where they came with military execution, if their demands were not complied with, viz., in raising contributions, and collecting the excise. November 20th.—After leaving a garrison in Carlisle, this formidable army, or rather a plundering mob, to the number of about six thousand seven hundred, took their route, in three columns, by way of Penrith (sixteen miles from Carlisle) to Kendal, where, on the 22nd, their vanguard arrived, headed by colonel Stuart, consisting of one hundred and twenty horse, mostly gentlemen, and sixty foot; the quartermasters took a list from the constables of all the lodgings in the town; and after reviewing all the houses, delivered the



billets themselves. The 23rd, came in the lords Murray, Kilmarnock, Ogilvie, Nairn, &c., with their companies, most of which were quartered in Strietland-gate. The 24th, in the evening, came in the highland clans with their pretended prince in their front; he had walked from Penrith that day, which is twenty miles, and was quartered on Thomas Shepherd, Esq.; soon after came in the duke of Perth with two hundred men, who convoyed their artillery and baggage. The morning after they first entered the town, they made a proclamation in the name of their mock prince, that the country-people who brought any sort of provisions to town, both their persons and horses should be safe; which was observed for that and the next day, until night, when the rebels went out in parties, took several horses, and plundered the country in a shameful manner: these and several other outrages they committed on Sunday, which so elagined the country-people and inhabitants of the town, that on Monday, when the main body of the rebels went out (though there were upwards of one thousand in the town), they attacked several of the horse-stealers; amongst them were two of their hussars on horseback, whom they immediately dismounted, and retook their horses. Their hussars were most of them young men, dressed in close plaid waistcoats, and large fur caps; but having very bad horses, it occasioned them to exert all their vigour in bringing them to a gallop, though very often the poor beasts, notwithstanding the severity used by their riders, would drop that speed, and take one more suitable to their age and infirmities. If the common men got a bellyful of victuals, they were not very curious about the goodness of it; and as to lodging, if a little straw was provided to lie upon, they were entirely easy. The exeise they collected here for six weeks. On the 24th, the van of the rebel army continued their march by the way of Burton (a town half-way between Kendal and Lancaster) to Lancaster, where they demanded the public money.

"The 26th, the last column of the rebels entered Lancaster in such haste, that they only staid to eat some bread and cheese, standing in the streets, their first column being then at Preston. From Lancaster to Preston is twenty miles. The 27th they were at Garstang, which is a good thoroughfare town, half-way betwixt Lancaster and Preston, where the same day I was going,

but that I met with some acquaintance at Lancaster town-end, who told me there was not a possibility for me to pass that evening, for that the road was full of straggling rebels, who robbed all that fell into their hands; so I returned to my quarters, at the Sun, in Lancaster, where the magistrates and gentlemen had taken care for my safety, by directing me where to call upon people well-affected to the government, who always were free and willing to give me the best advice how to proceed. On the 28th I got to Garstang (being my first stage), about nine in the morning; and, as directed, I alighted at captain Gardiner's, at the Royal Oak. At my first setting out to reconnoitre the rebels, I purposed to pass and repass them in the road in the station of a trader, going about my own private affairs, for which I was provided with bills of parcels, letters of orders, &c., in case I should be searched by them, to make it more evidently appear I was the real person pretended to be: but being advised not to venture among them, lest I should find it a great difficulty to acquit myself of their inquiry, as they might be too penetrating not to see through such a disguise; and finding my desires could not be readily fulfilled this way, I resolved to take some other method, which should be fully as prejudicial as the former, viz., in taking up their stragglers; and being informed that there were two in the town which happened to stay behind their command, I resolved to go and take them; for which purpose I borrowed a fuzee and a case of pistols, when being showed to their quarters, I immediately went in and made them prisoners, and after disarming them, I supplied myself with their arms, and committed them to the care of a constable, who with his guard conducted them safe to Lancaster castle. In the road to Preston I picked up another straggler following his company; and within two miles of that town I met the rebel post, returning with despatches from their army to Scotland, whom I also made prisoner, and took from him forty-nine letters. I conducted him and the said straggler to Preston, intending to deliver them to the magistrates; but they would neither receive the prisoners nor letters, fearing the consequence of so rash an undertaking, the rebels being but just gone out of the town; and as I had brought those two rebels into it, they obliged me to carry them out, telling me that, amongst the crowd in the streets, there were several

who had wore white cockades, that were for going with the rebels, and would certainly know me again, so that if ever I had the misfortune to be taken prisoner, I might be sure of losing my life: on which a sergeant of the militia was hired, for twenty-five shillings, who, with four men to assist him, carried the above prisoners to Lancaster. After they were secured, I fled across the country, intending to have gone to Ribchester with the letters, expecting to have been pursued by the rebel hussars; but, without my knowledge, the gentlemen of Preston had taken care for my safety, by planting a guard upon the bridge, with strict orders to let no person pass, to prevent the rebels from having notice of what had happened, until I was got out of their reach. In the evening I met with a countryman, of whom I asked the way, and desired him, that if he met any of the rebels inquiring after me, to turn them a contrary way, which he promised to do; and hinted that it was not safe to proceed to Ribchester, but, on the contrary, advised me to make my way for Clithero. Before I got into the right road for that place, I came to a deep brook, over which was a long stone laid for foot-travellers, and in riding over it, one of the hinder feet of my horse slipped, and we both fell backwards into a brook of water, where I was well dipped; but my horse and self, after a little toil, got out without any other damage. Having no time to lose, I immediately mounted, the water dripping plentifully from my clothes, but my boots continued full, and my fire-arms were likewise wet, which rendered me incapable of making much resistance, in case I had been closely pursued. In this plight I continued for some hours, the night being very cold and frosty, and knew not the road until I came to a house, where I hired a guide, who conducted me over Longridge Fell to Clithero, where I arrived about ten the same night, and had the letters opened by a justice of the peace. Upon examination, there appeared little in them of consequence, except boasting epithets of favours which they had never received; alleging, among other things, that the people of Lancashire had joined them; that their army was increased to twenty-four thousand men, and that they were going directly for London without opposition. These letters, if they had gone to Scotland, would have been of bad consequence, in spiring up the people to rebellion, especially those who waited to

see the issue of things; for all the aforementioned forty-nine letters, whatever style they were wrote in, agreed in one particular, of their going directly to London; such an insinuation could not have failed of making some think it next to madness in them to stay behind, and not to follow their friends to so fine a place as that huge city, and get a part of the rich plunder that was to be had there. When the rebels were at Lancaster, going south, amongst the multitude which quartered at the Snn, there happened to be two lowland gentlemen; the one was complaining of his horse, which in some respect did not please him; to which the other answered—‘There were mony a guid horse in Lonon.’ The first replied, ‘I ken that richt weel, we’ll ilk ane get a guid horse anst we won there, and mony guid things beside.’ The rebels were at Wigan on the 28th, when a party of them went through Leith, and an advanced party entered Manchester the same day.

“Manchester was taken by a sergeant, a drum, and a woman, about two o’clock in the afternoon, who rode up to the Bull’s Head, on horses, with hempen halters (a just emblem of what they deserved), where they dined; after dinner they beat up for recruits, and in less than an hour listed about thirty. They were likewise joined by several others, some of desperate fortunes, who were modelled into what they called the Manchester regiments, mostly people of the lowest rank and the vilest principles, which occasioned him who called himself the duke of Perth to say, ‘That if the devil had come a recruiting, and proffered a shilling more than his prince, they would have preferred the former,’ which no doubt was a great disappointment for them, for they had flattered themselves with the hopes of a considerable insurrection in their favour. On the 29th, a considerable body of rebel horse entered Manchester, about ten in the forenoon, and the bellman was sent about the town requiring all such as had any public money in their hands to bring it in. About two in the afternoon the pretender, at the head of a party of picked highlanders, and in their dress, marched into Manchester; he took up his quarters at Mr. Dickenson’s, in Market-street-lane, and was proclaimed in form. In the evening the bellman was again sent about to order the town to be illuminated; and at night the rear of the army arrived, where they continued for two days. On the 30th I got to Rochdale,



where I very narrowly escaped being taken by a party of the rebels who were there to demand the militia arms, land-tax, &c. Near the end of the town I met with some men that had made their escape, who told me the rebels were in pursuit of them to take their horses; on which I turned back with what speed I could make, until I got to a mill; the miller showed me a path leading out of the road to a village where one Dr. Bentley lived, to which I hastened, stripped my horse, hid the furniture up in the hay-loft, and drew off my boots, that if the rebels chanced to see me, I might pretend that I lived there; by which I escaped. In the dusk of the evening I set forwards towards Rochdale, and in my way thither met with a man, who told me he had been round the adjacent country, to order the arms to be brought in, and sent to the rebels next day; on which I resolved they should not have mine, so threw them over a garden hedge, near the end of the bridge, where I went late in the night, with my landlord, and brought them from thence; and by the resolution of Robert Entwistle, Esq., and some other gentlemen, the arms were not sent to the rebels as agreed on. At Rochdale I met with P—— M——, a gentleman well affected to the government, who gave me a list of the roads to Macclesfield, by which direction I got safe, although not without difficulty. The rebels carried off all the horses they could find about Manchester, not excepting their friends, who, if they solicited on that score, got for answer, 'That if they had a regard for prince Charles, sure they would not refuse so small a trifle as a horse for his service.' They also borrowed all the boots and shoes they could meet with, so that many were deprived of their understanders. On the 30th, an advanced guard of the rebels marched, part for Stockport (by some called Stopford, being a market-town, on the edge of Cheshire, noted for its silk-mills, and a very ancient church, situated on the banks of the river Mersey; over it is a neat stone bridge, which divides Lancashire and Cheshire), and the rest for Knotsford. The said bridge being broke down by the Liverpool blues (already taken notice of), they crossed over above it.

"The next day a party of the rebels, mostly mounted on horses taken at Preston-pans, were at Ashton, receiving the excise, land-tax, &c. I was there that evening, and took advice of the reverend Mr. Penny

how to proceed. It is very remarkable, that in their whole progress, no discoveries could be made of the routes they intended to take, because they were never given out above an hour before their march began, and neither officers nor soldiers knew overnight where they were to go, or what service they had to perform the next morning."

The "Manchester regiment," which consisted of about two hundred men of the lowest class of the population, accompanied the prince in his march south. He left Manchester on the 1st of December, several parties of highlanders having crossed the Mersey at different places during the preceding night and early in the morning, and marched by different routes towards Macclesfield. The horse and artillery passed at Cheadle ford. The bridges were made of trees (chiefly poplars) felled for that purpose, and planks laid across. The rebels pressed all the horses they could meet with about Manchester, before they crossed the Mersey, and obliged several gentlemen who had sent their horses out of the way, to send for them back. By break of day, on the 1st, a party of horse came to Altringham, bespoke quarters for a body of foot (which arrived there about ten), and then set out for Macclesfield with a guide. At eleven o'clock about one hundred horse entered Macclesfield, and ordered the townsman to prepare quarters for five thousand men; the main body arrived about two o'clock, under prince Charles, who remained there that night. The vanguard, which consisted of about two hundred men, and which had orders to be in readiness to march at eleven at night, was quartered at Broken Cross, on the Congleton side of Macclesfield. The party which lay at Altringham, marched early on the 2nd towards Macclesfield, whence about two thousand foot passed by Gawsorth at ten. Two thousand horse and foot came into Congleton between three and four in the afternoon; and about thirty were detached to Ashbourn, two or three miles on the Newcastle side of Congleton. On the 3rd, a party of them were at Ashbourn, fifteen miles from Derby, and the remainder at Leek.

The king's troops were now gathering so as to begin to threaten the rebels in their march. On the 2nd of December, the duke of Cumberland, who had taken the command of the army and was then at Stafford, received advice from Newcastle-under-Lyne, that a large body of the highlanders were at Congleton, within nine miles of that place,

and that their whole army, with all its artillery and baggage, was to be there that night. His royal highness had before ordered the cavalry at Newcastle to be on the alert, and two battalions of infantry, which were likewise posted there, to retire to Stone, six miles nearer Stafford, in case of the enemy's approach. About eleven o'clock on the 2nd, the duke, with the three battalions of guards, marched from Stafford for Stone; at which place, the army, consisting of eleven old battalions of foot, and six regiments of horse and dragoons, were assembled at four next morning. Upon positive information that the highland army had marched by Congleton towards North Wales, the duke's vanguard made a movement towards Newcastle; but, on receiving other information, that they were gone for Leek and Ashbourn, it was resolved to march as soon as possible to Northampton, in order to intercept them in their march towards the south. Accordingly the duke's army returned to Stafford on the 4th, and to Litchfield on the 5th. Here, receiving advice that the enemy had taken possession of Swarkston-bridge, before the orders for breaking it down could be put in execution, it was resolved to encamp on the 6th on Meriden-common, between Coleshill and Coventry, and next day approach Northampton; by which means the army would be again before the highlanders. Wade, on receiving information of the motions of the highlanders, marched with the forces under his command on the 24th of November, and encamped on the 28th at Persbridge, and on the 5th of December at Wetherby. Here receiving advice of the march of the highlanders into Derbyshire, Wade directed the cavalry to begin their march towards Doncaster, where he expected to arrive on the 7th.

Early on the 4th, the highland army marched from Ashbourn, and about noon prince Charles entered Derby, with four hundred and fifty horse, and two thousand three hundred foot. The army continued to enter that town till late at night; and they marched in such a manner as to make their numbers appear as great as possible, and to render it extremely difficult to take an exact account of them. They gave out that they would march on the 5th to Leicester, but they remained at Derby all that day, with the artillery in the market-place. Some of them talked here as if they would make a sudden march, in order to slip the duke of Cumberland's army; whilst

others said, that they would see whether the duke would come and give them battle. They levied the excise everywhere.

Volunteer Ray's journal of the march of the highlanders is again sufficiently picturesque to be worth quoting:—"December 1. The mock prince, with the main body of his army, and all his artillery, entered Macclesfield. The afternoon was spent in cleaning and putting in order their fire-arms, as if expecting a battle soon to come on; but what was the real intention of the deputy-pretender and his council of war it is impossible to say, since it was first believed they intended to have marched into Wales; but perceiving, if they should accomplish that scheme, they would certainly be shut up there, and reduced to great necessities in a mountainous country, with which they were not acquainted, they abandoned this project as impracticable. On the 2nd, as their rear was marching out of Macclesfield, one of their boys wanting to buy a cap, was shown to a shop by one that had deserted from the king's army, who drew a dirk from the boy's side, with which he stabbed him in the thigh, and running through the Angel-inn, escaped backwards; upon which, part of the rebels returned, threatening to burn the town; and as he who committed the fact could not be found, they carried away, as hostages, the landlord of the Angel, and the master of the house adjoining to the shop where the fact was committed. This shows with what injustice their arbitrary power was executed, often punishing the innocent for the guilty. That day I was accompanied by Mr. Royle's son, from Bullock Smithey, to within half a mile of Macclesfield, when, being informed that the rebels were all gone out of the town, and thinking that I was quite safe, he left me; but as some of the rebels had returned on the above occasion, I rode into the town too soon, and alighting at the Angel-inn, narrowly escaped being taken. I immediately applied to the mayor, who took proper care for my safety; but not choosing to trust much to their highland civility, I was afraid of falling into their clutches, being sensible they would be more fond of meeting with the person who had intercepted their letters, than the man who had made his escape through the inn, was unwilling to give them that satisfaction; and as the favours for which they were indebted to me, were contained in my journal, I thought proper to commit it to the flames, and would



have left my arms with the mayor; but he told me, if the rebels should return, and upon search find any of these instruments of death, they might be provoked to burn his house; he therefore advised me to leave them at my inn, they not being accountable for what a traveller left; on which I hid them in my room and only acquainted the ostler. After I was gone (as I was informed at my return) the chambermaid went to make my bed, and, by drawing the curtains, shaked the bed-tester, on which a handful of bullets trundled out of a disjointed corner, which excited a curiosity in her to stand on a chair, to see from whence they came, where she found my highland pistols, which were a piece of curious workmanship, the stock, lock, and barrel, being of polished steel, engraved and inlaid with silver; and on sweeping under the bed she found my sword, which was also of the highland make, by that curious workman Andrew Ferrara; when she came down stairs, she reported to the house that some of the rebels had left their arms; but the ostler told her they did not belong to the rebels, and that he would take care of them until the owner returned. On the 2nd of December, about two thousand of their foot passed by Gosport, and the same number of horse and foot entered Congleton. The same day in the evening, a detachment went for Ashbourn, as if they intended to go to Newcastle-under-Lyne; a party of their hussars advancing as far as Talk-o'-the-Hill, where they took captain Vere prisoner, in the Red Lion inn. The alarm of the rebels' approach was immediately sent to Newcastle-under-Lyne.

"At this time an advanced party of the king's troops, which lay at Newcastle-under-Lyne, consisting of about five regiments of horse and foot, hearing of the approach of the rebels, the drums beat to arms; which put the inhabitants into the utmost confusion. The regiments were all drawn up on the parade, and rested under arms for some time, when about twelve o'clock at night, they marched out of the town, leaving their baggage unloaden in the market-place, and retreated to Stone town field, where his royal highness the duke of Cumberland drew up his army and artillery, in expectation that the rebels would come and give him battle; but they, not caring to risk the hazard of an engagement, where his royal highness commanded in person, filed off towards Leek and Ashbourn, about fifteen miles from Derby. On the 3rd his royal highness

ordered his army into Stone for quarters, which were very hard to get, it being but a small town; and so many soldiers soon occasioned a consumption in the victuals and drink.

"December 4.—The young pretender entered Derby with about five hundred horse and two thousand foot; and, in the evening, the rest of his troops, in all about seven thousand, arrived with a train of artillery, consisting of fifteen pieces of small cannon and one cohorn, with all their baggage. That evening the duke of Perth, asking for a newspaper, the *St. James's Evening Post* was brought him, dated November 30, which contained the following advertisement, with a reward, which he carried to the pretender the next morning:—'Run away from their master at Rome, in the dog-days of last August, and since secreted in France, two young lurchers of the right Italian breed; and being of a black tan colour, with sharp noses, long claws, and hanging ears, have been taken abroad for king Charles the Second's breed; but a bitch from Italy unfortunately broke the strain in '88, by admitting into the kennel, a base mongrel of another litter.—They are supposed to be on the hunt for prey in the north. They go a full dog-trot by night, for fear of being catched. They answer to the names of Hector and Plunder, and will jump and dance at the sound of the French horn, being used to that note by an old dog-master at Paris. They prick up their ears also at the music of a Lancashire hornpipe.—This is to give notice, that whoever can secure this couple of curs, and bring them back, either to the Pope's Head at Rome, near St. Peter's church, or to the Cardinal's Cap at Versailles, or to the King's Arms at Newcastle, or to the Thistle at Edinburgh, or to the Three Kings at Brentford, or rather to the sign of the Axe on Tower-hill, shall have the reward of thirteen-pence-half-penny, or any sum below a crown, and the thanks of all the powers of Europe, except France, Spain, and the pope. N.B. They have each a French collar on, stamped with their father's arms, a warming-pan and the *flower-de-luce*, with this inscription—we are but young puppies of Tencin's pack. Beware of them, for they have got a smack of the Scots mange, and those that are bit by them run mad, and are called *jacobites*.' Their whole force being now together, and the stragglers and English recruits all come in, they made the most formidable appear-

ance possible in Derby; yet they used all the precaution imaginable to hinder an exact account from being taken of their number, which was a point they laboured to manage with the utmost diligence during their whole march, often demanding billets for ten thousand men, when they had not above half that number with them. On their first coming into Derby, it was judged, both from the measures they took, and from the behaviour of their chiefs, that they were still disposed to march on. In the evening they held their councils of war; in which the debate amongst their chiefs grew too high to be concealed; yet they agreed upon nothing the first night, except levying the public money; which they did with the usual threats of military execution, as they had done in all the towns they marched through. They also endeavoured to levy men here, and beat up publicly for that purpose, but with very little success; for there were very few that took on with them in the town, and those of the lowest class, both in point of morals, as well as condition; which plainly shows how low their credit was sunk.

"They continued in Derby the next day, and in the afternoon held another great council, in the presence of the young chevalier; in which (as it was afterwards known) a final resolution was taken for returning into Scotland. There has been various reasons assigned for their making this sudden retreat. But, as it is my design to relate known facts rather than conjectures, I shall pass them by, and only offer my own opinion, which I take to be the true cause, viz., the disappointment they had met with in the augmentation of their forces; for they flattered themselves with a great insurrection in England in their favour; Lancashire being the place most depended upon, as appeared by their letters, for imaginary succours, which county they had gone through without receiving the expected supplies, few having joined them, and those, such as I have already described, people of desperate fortunes and vile principles. All of any worth or reputation appeared hearty and zealous for the cause of their king and country, exerting themselves in their several stations, as became men who valued the true interest of a protestant government. There was scarce a town that I came to, when on the reconnoitre, where I was not known; but there was an officer came to take me up for a rebel; but when he found his mis-

take, I was visited by the magistrates and gentlemen of corporated towns, who congratulated me on my good success, with which they appeared to be well pleased. I look upon it as no discredit to Lancashire, that the rebels got some recruits amongst them, since they were mostly such as were a nuisance to the country; and I think it would have been better if such in every county had done according to their inclination, for then they might have had a chance to be hanged or dispatched in a readier way, by which the country would have been eased of a load not worth to be bore above ground; and if they had escaped without receiving their deserts, yet honest men might know how to place a just value on such detestable wretches. It seems most probable, that the small encouragement which the rebels met with in the place where they had the greatest dependance, might be the cause of their sudden retreat."

Thus far the pretender's small army had advanced without meeting an enemy in the field; but, however the more ignorant portion of his followers may have trusted to the hope that the same would be the case all the way to London, the more thinking part must have had their suspicions and fears that they were running into a trap. It is said that on the evening of Charles's arrival in Derby (Wednesday, the 4th of December), a council was held, in which there was great difference of opinion, and which separated without coming to any resolution. But intelligence had now reached Charles and his followers of a very varied character. In the first place, they became every hour more and more aware that their enemies were gradually gathering around them in overwhelming force. It was true that the mistake of the duke of Cumberland had left the road to London open to them; but it was more than probable that he would still overtake them before they reached the capital, and even if he did not, they had received exaggerated reports of the forces which were ready to oppose them in the south. The entire demonstration in their favour at Derby consisted of three recruits, and it was perfectly clear to everybody that the mass of the population of England was hostile to them. On the other hand, a messenger arrived from Scotland announcing the arrival of lord John Drummond in the north with reinforcements from France. On the morning of the 5th of December, the day after the arrival of



the rebels at Derby, another council was held, at which the discussion was so warm and loud, that it is said to have been heard in the neighbouring street. The highland chiefs were now nearly if not quite unanimous in the opinion that they should advance no farther, but return immediately to Scotland and join their friends there; and the wisdom of this course was so evident, that even lord George Murray joined in approving of it. The duke of Perth, almost alone, led only by his hostility to lord George, supported the contrary opinion. Prince Charles, who had already shown how little he cared for the sufferings of his friends so long as he was out of absolute danger himself, and who seems to have been entirely wanting in common foresight, remained obstinate in his wish to advance, giving only for his reasons that he trusted to Providence, that the people of England might still rise in his favour, and that it was possible a French army might still land on the southern coast. He tried in vain, by canvassing the members of his council individually, to persuade them to change their opinion; and when at length he was obliged to yield, he did so in the most ungracious manner, declaring pettishly that he would summon no more councils, that he was accountable only to God and to his father, and that he would no longer be advised by any man.

Early on the 6th of December the Scots commenced their retreat. The highlanders, who had been buoyed up with the hope of rich plunder in London, were not at first informed where they were going; but when recognising objects on the road which they had passed on their forward march they learnt the truth, they are said to have manifested some discontent. But this was soon dispelled by their habitual obedience to their chiefs, and all doubts on the wisdom of the resolution to return would have been quickly dispelled by events, for the duke of Cumberland had soon discovered his mistake with regard to their intentions, and lost no time in repairing his error. On the 5th of December he was at Stafford, with detachments at Burton-upon-Trent and at Litchfield, at which latter place the duke had his head-quarters next day. He moved thence immediately to Northampton, whence he commanded the road to London in advance of the rebels; while marshal Wade had reached Weatherly on the 5th, and thrown forward his cavalry to Doncaster.

In the retreat of the Scots, lord George Murray marched in the rear, the post of honour, while the prince, sullen and uncommunicative, because he had not been allowed to have his will, rode in the van, on a black horse which had been taken from colonel Gardiner at Preston-pans. In the night of the day on which they left Derby, they were at Ashbourn, and on Saturday, the 7th, they reached Leek, in Staffordshire. On their advance to Derby, the rebels had been kept in some degree of discipline by their chiefs, and had done much less mischief than might have been expected; but now, besides destroying everything that they thought would be useful to the king's troops in pursuing them, the highlanders committed many disorders which provoked the bitterest resentment of the country-people. When an advanced body entered Manchester, about noon of Monday, the 9th of December, they were hooted and pelted by the mob, in revenge for which the highlanders behaved much more rudely than before to the inhabitants, and a heavy contribution was forced from the town. Next day they continued their retreat with the greatest precipitation, and entered Preston on the 11th, when the superstitious apprehensions connected with the locality again came over their minds. The news of the near approach of the duke of Cumberland's forces compelled them to move hence, which they did on the 13th in considerable disorder, and after a dreary march among mountain roads almost impassable, and through a country the population of which did not disguise its hostility, the prince reached Penrith on the 17th. The rear, commanded by lord George Murray, and embarrassed with the charge of the baggage and cannon, was able to proceed much more slowly than the rest of the army, as it was continually impeded by the breaking down of the carriages in the mountain roads, and it was found necessary to throw away and destroy some of the ammunition and stores.

General Wade, who was marching south from Newcastle to join the duke of Cumberland, had reached Ferrybridge, when he received intelligence of the retreat of the rebels, and it was resolved in a council of war held there to strike across by way of Wakefield and Halifax into Lancashire, in the hope of intercepting them. But when Wade reached Wakefield, he learnt that the highlanders were already at Preston, and convinced that it was impossible to

overtake them with the foot, he sent forward major-general Oglethorpe with all his horse, and retraced his steps with his infantry to Newcastle. Oglethorpe, after a very rapid march, entered Preston on the 13th, not long after the rebels had left it, and was joined there the same day by the duke of Cumberland with part of his light horse. The light horse under Oglethorpe now hung close upon the Scottish rear, and gave them continual alarms on their march to Penrith. On the 17th, Cumberland and Oglethorpe, with the whole of their cavalry, and a thousand mounted infantry, were at Kendal, where they were obliged to rest that night. Next day, the duke's cavalry were in motion in such good time, that Oglethorpe's light horse, accompanied by many of the squires and farmers of the country, mounted and armed, came in sight of Charles's rear as it was laboriously making its way over Clifton-moor, but the royalists were not sufficiently strong to attack them, and Charles having sent back most of his horse to assist his rear, Oglethorpe fell back upon Kendal. Lord George Murray, meanwhile, sent forward the baggage, under a small escort, and remained behind to check the pursuit; and as he and the other Scottish lords who were with him were well acquainted with Lowther-hall, the magnificent residence of the earl of Lonsdale, they determined to turn aside from their direct route and take that place by surprise.

Accordingly, after placing a few of his hussars in a farmhouse on the road, as a look-out post, lord George marched with about three hundred foot and a troop of horse through the village of Clifton. He found the gates of Lowther-hall closed, and they were not opened to his summons; but, when some of his highlanders began to scale the walls, a man on horseback and another on foot, rushed out and attempted to make their escape. They were both taken, and one of them, who proved to be a running footman of the duke of Cumberland, informed lord George that the duke was advancing with four thousand cavalry and some infantry, and that he intended to establish his head-quarters at Lowther-hall the same evening. Upon this lord George fell back upon the village of Clifton, and dispatched a messenger to prince Charles, who immediately sent some regiments to reinforce him. These he placed in the most advantageous manner, under cover of the hedges and walls in a line from the village

of Clifton to the house of a quaker named Savage at the foot of the moor. It was now night, and the sky was partially eluded, with only a transient glimpse of the moon from time to time; and the advanced parties of the royalists would have fallen into an ambush and suffered very considerably, if one of the family of Savage had not made his way through the fields unobserved, and warned the duke of his danger. Some of the English cavalry, with a part of the infantry who had come on horseback but were now dismounted, were soon seen advancing rapidly over the moor, and they approached the position of the Scots with great resolution; but they were immediately exposed to a severe cross-fire, and lord George Murray, seizing the moment of confusion, shouted "Claymore! claymore!" and led the highlanders against them sword in hand. It was just the sort of fighting in which the English regulars were not a match for the highlanders, who very soon made them retreat in disorder, with a loss in killed and wounded of about forty men and four officers. The loss of the Scots was small—according to their own account not more than twelve men; but they made a hasty retreat upon Penrith, whence the prince fled in all haste as soon as he heard of the skirmish. The regiments of Clanronald and Keppoch were left between Penrith and Clifton-bridge, to conceal the flight of the rest.

The duke of Cumberland slept that night at the house of a loyal quaker adjoining the village of Clifton, and the pursuit was discontinued, while the rebels, after a dreadful march over mountain roads in a night of pitchy darkness, which compelled the prince to quit his horse and proceed on foot, reached Carlisle next morning (the 19th of December), unmolested, but in a state of great exhaustion. Nevertheless, they only remained in Carlisle one night, and on the following morning (the 20th) continued their retreat, and crossed the river Esk into Scotland at night, not without some difficulty, for the river was swollen so much that several are said to have been drowned in the attempt to pass it. The rebel garrison had been increased to three hundred by the Manchester regiment and a few French and Irish, who were with difficulty persuaded to remain, but not until they had received a promise of very speedy relief, as it was represented to them that lord John Drummond and lord Strathallan were ap-



proaching with powerful reinforcements. So hurried was Charles's retreat from Carlisle that he left behind him, in charge of the garrison, nearly all his artillery and a great part of his baggage. Indeed, he was so closely pursued, that at the time the rebels were crossing the Esk, the duke of Cumberland arrived within eight miles of Carlisle, and next day the place was formally invested. Some delay arose from the duke's want of siege artillery; but he sent to Whitehaven for a battering train, which was partly brought into position on the 28th, and a brisk fire opened upon the fortifications. The batteries, however, were compelled to remain idle during the next day by the want of shot, but this want was supplied towards evening, and some more and larger guns brought to bear upon the walls. Down to this moment the garrison had shown great resolution, and had kept up a continual fire on the besiegers. In the night of the 29th, the new batteries were opened upon the walls with great effect, and the resolution of the garrison began to waver. A man now came out of the town with two letters, subscribed by a French officer named Geoghegan, who called himself commander of the French garrison and artillery, one addressed to the duke of Cumberland and demanding terms of surrender, the other addressed to a supposed commander of Dutch troops, requiring him to withdraw them from the English army in accordance with the terms of the treaty of Tournay. Cumberland replied that he could make no bargains with rebels, and that he had no Dutch troops with him, but Englishmen enough to chastise all who gave assistance to the rebels. The batteries now recommenced their fire, and in about two hours another letter was sent to the duke, signed John Hamilton (late steward of the duke of Gordon), requesting to know what conditions the garrison might have, to which the duke replied, that all he could promise was, that they should not be put to the sword, but that they should be all reserved for the king's pleasure. After some further consideration, the city and castle were surrendered to the duke at about three o'clock in the afternoon of the same day (the 30th of December.)

Prince Charles crossed the Esk on the 20th, and his army was no sooner on Scottish ground again, than it began to be thinned by desertion. As he heard no news of lord John Drummond, with his

foreign auxiliaries, or of lord Strathallan, it was useless to think of returning to Edinburgh, which was now defended by the government troops, and he therefore determined to march upon Glasgow, which, although its inhabitants were zealously opposed to him, was not in a condition to offer any serious resistance. For the convenience of marching, the army was divided into two columns, one of which, with Charles himself, his so-called French ambassador, the duke of Perth, the lords Elecho and Pitsligo, and Lochiel, Clanronald, Glengarry, and Keppoch, went the same night to Annan, from whence they proceeded next day to Dumfries, where, irritated by the protestant loyalty of that place, they committed some depredations and levied heavy contributions. The second division, under lord George Murray, proceeded to Ecclesfechan, and thence to Moffat. The two divisions were reunited on the 26th in Glasgow, whence the duke of Perth was sent to hasten his brother lord John Drummond, with his foreign auxiliaries, and orders were sent to lord Strathallan to join the prince with the troops under his command.

Neither of these chiefs had, however, been in a condition to act as yet with much efficiency. Perth, Strathallan's headquarters, had been the scene of bitter contention among the discordant materials of which his army was composed. He had received orders from the prince to join him in England, but his own better judgment had convinced him of the danger of obeying these instructions, and leaving an increasing body of royalists, under lord Loudon, at his back. It was decided, therefore, at a council of war, that under the circumstances the prince's orders could not be obeyed, and this decision was supported by most of the lowlanders, and all the French and Irish. The highlanders, on the contrary, insisted on marching, declaring that their king's commands were not to be disobeyed or to be examined critically by a subject. The dispute had risen so high, that it would perhaps have come to blows, for the highlanders were preparing to seize the military chest and stores, when the messenger arrived from Glasgow, to inform them that he had arrived there, and to give them his orders to hold themselves in readiness to join him. The force under lord Strathallan was now considerable, for lord Lovat, dazzled by the reports of the young pretender's unopposed march into England, had declared

in his favour, and sent his clan to Perth, where also were assembled the Mackintoshes, Mackenzies, Farquharsons, and others. Lord John Drummond had, as already stated, arrived from France, but he had not been fortunate in his passage, and a large portion of his transports had been captured by the English or driven back to Dunkirk. When he landed at Montrose, he had only his own regiment of foot, which was incomplete, two troops of horse, and a few companies of the Irish brigade, and so little money and stores that he was obliged almost immediately to levy contributions on the country. He at once sent a detachment under general Stapleton to join lord Strathallan, and another to Aberdeen to help lord Lewis Gordon in making head against the royalists under lord Loudon. This last-mentioned nobleman had now under his command a disciplined body of above two thousand highlanders of the whig clans, who, as he was very insufficiently supplied with money by the government, were kept together chiefly through the influence and credit of Duncan Forbes.

Lord Loudon's zeal paralysed for a while the rebel force under lord Lewis Gordon, who had his head-quarters at Aberdeen, but the latter were encouraged at this rather critical moment by the defeat of a strong body of the Macleods of Skye, who had joined lord Loudon, and of the Monroes. These, amounting to between six and seven hundred men, had been sent out to put a stop to lord John Drummond's arbitrary exactions in the neighbourhood of Inverary, but they fell into an ambush by night, and were driven back with loss. At the same time the king's troops and volunteers, who had occupied the important post at Stirling, informed that prince Charles and his army had certainly returned to Scotland, fell back upon Edinburgh, thus leaving the communication open between Charles at Glasgow and his friends under Strathallan and Drummond. On the 2nd of January, 1746, the highland army left Glasgow, and marched in two divisions towards Stirling. One division, under lord George Murray, marched by Cumbernauld to Falkirk, where he established himself next day; the other proceeded by way of Kilsyth, and the prince took up his quarters on the 3rd at the house of Bannockburn. Here he was joined by the whole of the forces under lord Strathallan and lord John Drummond, and his army now counted an effective force of

nine thousand men. A council of war was immediately held, and, instead of at once attempting some decisive blow against the king's troops which were now drawing towards Edinburgh in considerable numbers, Charles adopted the insane project of laying siege to Stirling castle, a strong fortress, well provided, and commanded by a resolute and good soldier, general Blakeney. With great difficulty they conveyed across the Forth the artillery which lord John Drummond had brought from France, and the siege operations were entrusted to the direction of a small number of inexperienced French engineers, who commenced their works on the strongest side of the castle, and on a rocky spot where it was almost impossible to make trenches. The consequence was, that the battery produced no effect on the fortress, while it was so exposed to the fire from the castle that many of the rebels were killed.

On the 6th of January, Hawley, a very incompetent general, but who had gained the favour of the duke of Cumberland in Flanders, arrived in Edinburgh to take command of the royal army. Hawley had a supreme contempt for the highlanders, and was accustomed to boast that they were totally incapable of withstanding a charge of regular troops, and his chief solicitude appears now to have been to have a sufficient number of executioners to do justice upon his prisoners for their treason. He had about seven thousand men in the neighbourhood of Edinburgh, besides the Glasgow and Edinburgh regiments, and reinforcements were rapidly advancing from the south, but instead of waiting for these, he hurried forwards, as he imagined, to crush the rebellion by one blow. The first division of the army left Edinburgh on the 13th of January, and the rest followed next day, and on the 16th they were all encamped in a field about a mile to the west of Falkirk. With Cochrane's dragoons and a body of Argyleshire highlanders, who joined next morning, the royal army was about equal in numbers to that of the rebels, and they were now only seven miles distant from each other. But Hawley, with extraordinary carelessness, allowed himself to be detained all the forenoon at Callendar-house by the seductions and good cheer of lady Kilmarnock, while his troops were left without any orders how to act, as they perceived the enemy gradually approaching them in full force. Charles had that morn-



ing reviewed his whole army on Plean-muir, from whence he marched about ten o'clock in two columns, round by the village of Dunipace, to gain the heights to the south of Hawley's position. In order to deceive the royalists as to their design, lord John Drummond was detached with a body of horse and foot along the high road to the north of the Torwood, to show themselves and create the belief that the whole army was advancing in that direction; and the royalists, partly owing to the weather, which was very rainy and windy, and hindered them from observing distinctly, were entirely deceived, until, about one o'clock in the afternoon, two officers mounting a tree, descried by means of a telescope the approach of the main body of Charles's army. Information was immediately carried to Hawley, who, entirely occupied (as was said) with his fair hostess, or perhaps thinking that the inclemency of the weather would hinder an engagement that day, merely replied that "the men might put on their accoutrements, but there was no necessity for them to be under arms." That necessity, however, was soon evident on the field, for about two o'clock certain intelligence was brought in that the rebels were crossing the Carron at Dunipace, and directing their march towards Falkirk-muir. The officers, still without orders, formed their regiments in front of their tents; but everything was in the utmost confusion, when at length general Hawley arrived. At this moment he seems to have been occupied by only one idea, his favourite notion that the highlanders could never withstand a charge of horse, and without even surveying the field, he ordered the dragoons at once to advance to the high ground which the highlanders were preparing to occupy, and the infantry to follow. The highlanders, observing this movement, quickened their pace, and gained the summit of the high ground before the dragoons reached it, and there they formed in a line, commanded by lord George Murray. A second line, in their rear, was formed by the low country regiments, the Maclauchlans, the Athol men, and lord John Drummond's reinforcement, and was commanded by the duke of Perth. The Irish pickets and a small body of horse were formed as a reserve still further in the rear, and with them Charles took his station.

The king's troops were now placed under great disadvantages. The wind and rain,

which was in favour of the enemy, came direct in their faces, and wetted the muskets of the infantry so much, that a majority of them, when brought into use, missed fire, while the troops had to advance nearly all the way up-hill. Hawley had also drawn up his army in two lines, leaving the Argyle-shire highlanders on the ground in front of the camp, and the Glasgow militia stationed among some cottages to the south; but before the lines were completely formed, he ordered the dragoons to push forwards to the attack. The highlanders reserved their fire till the dragoons were within ten paces, and then gave such a steady volley of musketry, that at the first discharge the regiments of Hamilton and Ligonier, as on former occasions, fled headlong down the hill, while Cobham's regiment, which was more steady, wheeled to the right, and retreated leisurely, although exposed for some time to the fire of the enemy's left. The effect of the flight of dragoons was instantaneous upon the highlanders, and the whole of the front line, except the Macdonalds, rushed down the hill in pursuit, in spite of all the efforts of lord George Murray to restrain them. When they came upon the first line of the royalists, they received and returned their fire, and then, according to their usual custom, threw away their muskets and attacked them with their claymores. Both the first and second line broke and fled in confusion, with the exception of one regiment of the second line, which, joined with part of two others, remained steady under general Huske, and stationing themselves on the edge of a ravine, commenced a galling fire across it upon the rebel regiments which still remained together, and which fell back to seek support from their second line. But this second line had entirely disappeared, for part of them had followed their comrades in the pursuit, while those who remained, deceived by the fire of the royalists across the ravine, were suddenly seized with the idea that their own troops had been driven back, and fled in the utmost confusion, so that at the same moment royalists and rebels were flying in opposite directions. The rebel reserve was now brought up, it was said by Charles himself, but there seems to be some reason for doubting this statement, and it is said also that the honour of bringing up the reserve on this occasion belonged to Ker of Graden. Meanwhile Cobham's dragoons, who had not dispersed, perceiving

what was going on, joined the foot against whom the Scottish reserve was now advancing, and with them effected an orderly retreat to the ground before the camp occupied by the Argyleshire highlanders. Everything was now in great confusion, which was materially heightened by the storm and by the gloom of approaching night, and scarcely a person in either army really knew which side had gained the victory. But general Hawley seems to have lost all presence of mind, and taking it for granted that all was lost, he ordered his camp to be set on fire, and abandoning his cannon, baggage, and provisions, made a hasty retreat through Falkirk to Linlithgow. When the light of the fires in the abandoned camp was first visible, the rebels supposed that the royal army had rallied, and were preparing to renew the combat next morning, but they were soon undeceived by spies who had ventured to the enemy's camp, and brought back an account of the real state of affairs. Lord George Murray then took possession of the town of Falkirk, where prince Charles slept that night, which was employed by the highlanders in stripping the dead and ransacking the baggage which the royalists had left in their camp. The loss of men was not great on either side, considering the numbers engaged. That of the king's troops was less than four hundred killed and wounded, including, however, no less than one colonel, three lieutenant-colonels, nine captains, and three lieutenants among the slain. The rebels had three captains and four subalterns, with about forty men killed, and about eighty wounded.

This extraordinary victory brought no advantages to the cause of prince Charles, who seems to have shown a singular perversity of judgment in regard to fighting, for when it was absolutely necessary to fight, he was unwilling, and he was just as much bent upon fighting, when it was madness to risk a battle. So now, although it is clear that he ought immediately to have pursued his success and marched to Edinburgh, a course which would no doubt have been very disastrous to the English government, he preferred returning to the siege of Stirling, having set his heart upon obtaining possession of that fortress. Accordingly, the lowland regiments and foreign auxiliaries resumed the siege operations, while lord George Murray, with the highlanders, took up their old position at

Falkirk, and Charles returned to his quarters at Bannockburn-house. The royal troops, who owed their easy escape from the battle to the disorder of the highlanders in their eagerness for plunder, had thus time to recover from their astonishment. They were soon reunited at Edinburgh, where general Hawley, who had no inclination to return in search of the enemy, held a court-martial on some officers upon whom he wished to throw the blame of his disgrace. No sooner did the news of the disaster at Falkirk reach London, than the king ordered his son the duke of Cumberland, who was then extremely popular with the army, to proceed to Scotland and take the command of the forces there; and the duke's preparations were made with such expedition, that he entered Edinburgh on the 30th of January, and although it was three o'clock in the morning when he arrived, he reviewed the troops the same day. The soldiers, who were thoroughly disgusted with Hawley, saw the duke with the utmost joy; and full of courage, they were now eager to encounter the enemy from whom they had so recently fled. Next day they began their march in two columns, one with the duke himself by way of Linlithgow, and the other under general Huske, who had behaved so well in the late battle, along the coast and through Borrowstounness. The two divisions were to unite at Falkirk, where they expected to find the rebel army. In this march the magnificent palace of Linlithgow was fired by some of the soldiery and burnt.

The progress of the siege of Stirling, meanwhile, only showed more and more the incompetency of Charles's engineers, and his only well-disciplined troops, the Irish pickets, were exposed to the enemy's fire and sacrificed in vain. At length, a battery which had cost three weeks' hard labour, being nearly finished, a trial of it was made with three guns, which were directed against the castle; but general Blakeney, who had looked on with the greatest composure during the progress of this work, returned their fire with such effect, that in about half-an-hour the whole battery was destroyed. Disheartened by this disaster, Charles was at length convinced that the siege of Stirling was a hopeless undertaking, and he gave it up, and now, when it was too late, suddenly determined to give the royalists battle. It appears that the young pretender was often



actuated by a vain conceit that he resembled in person the great Robert Bruce, and he was now impressed with the notion that he was going to obtain a second victory of Bannockburn, and there he determined to await the enemy. On the 28th of January, his officers, who were not then well aware of the condition of the royal army, yielded to his proposal, and a plan of battle was drawn up, and Charles sat with some of them and talked gaily of it till late at night. But before next morning a total change had come over the opinions of the officers, who had received information that the royalists were reinforced and in high spirits, and that the duke of Cumberland had either arrived or was hourly expected, while they found that their own numbers were very seriously diminished by the desertions of the highlanders. In the evening preceding, a council of war had been held by the chiefs at Falkirk, and they agreed to an address to the prince, which was now brought to him by lord George Murray. In this document they told him plainly,—“We are certain that a vast number of the soldiers of your highness's army are gone home since the battle of Falkirk; and notwithstanding all the endeavours of the commanders of the different corps, they find that this evil is increasing hourly, and not in their power to prevent; and as we are afraid Stirling castle cannot be taken so soon as was expected, if the enemy should march before it fall into your royal highness's hands, we can foresee nothing but utter destruction to the few that will remain, considering the inequality of our numbers to that of the enemy. For these reasons, we are humbly of opinion, that there is no way to extricate your royal highness, and those who remain with you, out of the most imminent danger, but by retiring immediately to the highlands, where we can usefully employ the remainder of the winter by taking and mastering the forts of the north; and we are morally sure we can keep as many men together as will answer that end, and hinder the enemy from following us in the mountains in this season of the year; and in spring no doubt but an army of ten thousand effective highlanders can be brought together, and follow your royal highness wherever you think proper. This will disconcert your enemies, and cannot but be approved of by your royal highness's friends both at home and abroad. If a landing should happen in the meantime, the high-

landers would immediately rise either to join them or to make a powerful diversion elsewhere.” This document, which was full of reason, was signed by lord George Murray, by Lochiel, Keppoch, Clanronald, and all Charles's best friends, yet he received it pettishly, and, with angry impatience of anything which contradicted his will, he knocked his head like a madman against the wall, violently inveighing against lord George, and exclaiming despitely, “Good God! have I lived to see this?” Charles's old tutor, Sheridan, was sent back to the chiefs to persuade them to yield to Charles's plans, but they resolutely refused to sacrifice themselves and their men to his caprice, and Keppoch and others came in person to impress upon him the necessity of a retreat. He was at last obliged to yield, but in an ill-humour, which showed little care for the lives or comforts of his friends and followers. The army was drawn up at head-quarters on the 1st of February, preparatory to its march towards the north, and Charles now commenced his retreat with such precipitation that lord George Murray was nearly left behind. Most of the guns used in the siege of Stirling were either spiked and thrown into the Forth, or subsequently abandoned in their march, many of their stores were burnt, and the powder-magazine in the church of St. Ninians was blown up, it is unknown whether by design or accident, and caused great devastation in the village. The rebels halted first at Dunblane, Charles sleeping that night at Drummond castle, and next day they continued their march to Crief, after which it was found necessary, from the scarcity of provisions, to separate the forces, and Charles took the highland road with the clans, while the lowland regiments with the horse marched by the coast to Inverness, where they were to meet again.

As the duke of Cumberland approached Falkirk, on the very morning the rebels began their march, he received intelligence of their retreat, which was soon after confirmed by the blowing up of the magazine. The duke immediately sent forward general Mordaunt, with the Argyshire highlanders and the dragoons, but, finding it impossible to overtake the enemy, he took possession of Stirling, where the royal army arrived the same day. Some delay was caused by the necessity of repairing the bridge, which had been destroyed, but on the 4th the army began to march northwardly, and Cumber-

land entered Perth on the 6th, where for the present he established his head-quarters, sending strong detachments to occupy as advanced posts Dunkeld and Blair castle, under sir Andrew Agnew, and Castle Menzies beyond Tay-bridge, under lieutenant-colonel Leighton. As the season of the year rendered any attempt to enter further into the highlands out of the question at present, the army was left here during the remainder of the winter, and the soldiers lived at free quarter upon the country, plundering and devastating the disaffected districts in every direction. Cumberland returned to Edinburgh, where the prince of Hesse had arrived, with six thousand Hessian troops. The Dutch were engaged by treaty to furnish six thousand troops to the king of England in ease of need, and they had sent over this contingent, consisting of men from two garrisons, who on their surrender to the French had bound themselves not to serve against the king of France or his allies for twelve months, and who were therefore useless at home; but, as the French king had now troops engaged in Great Britain, he demanded that the Dutch troops should be recalled, which was accordingly done, and a body of Hessian troops had landed at Leith in their place. These were immediately sent forward to Perth. A council of war was held in Edinburgh, in which the general opinion seemed to be that the war was over, and that the rebels would not assemble again in any force; but lord Milton was of a different opinion, and said that he believed that the highlanders were only separated to prepare for a more effective rising in the spring, when the young pretender would no doubt appear again in the field with a formidable army. The duke coincided in this opinion, and next morning he returned to Perth to direct active operations. Leaving the Hessian troops in possession of Perth, he advanced northward with the rest of his forces, and fixed his head-quarters at Aberdeen on the 27th of February.

Meanwhile, as the neglect of the government had left Duncan Forbes and lord Loudon almost entirely to their own resources, they could make no efficient stand against the rebels, who were carrying everything their own way in the highlands. After the junction of his forces, it was found necessary to disperse them among the mountains for want of the means of sustenance when kept together, and Charles,

on the 16th of February, went to Moy, the castle of the Mackintoshes, about ten miles from Inverness. Loudon, who was stationed at Inverness with about two thousand men, made a well-concerted attempt to take the young pretender by surprise. Having posted a chain of guards and sentinels round the town to prevent any one going out and conveying intelligence, he set off in the afternoon with a body of fifteen hundred men, marching with the utmost secrecy, and timing his advance so as to arrive at Moy at about eleven o'clock at night. Intelligence had, however, been carried, though late, to the prince, who was so nearly surprised, that he made his escape to the mountains in his *robe-de-chambre*, nightcap, and slippers. He might, however, have remained in safety at the castle, which was saved from the intended visit by a stratagem of the blacksmith, who placed a small party in ambush in a wood which skirted the road, and when lord Loudon's troops received their fire, they were so panic-struck, that they fled back precipitately to Inverness. A day or two after, the highlanders had assembled at Moy castle in such numbers, that Charles found himself in a condition to march against Inverness, which lord Loudon was obliged to abandon, and, leaving a small garrison in Fort George, he retreated, accompanied by Duncan Forbes, across the water into the shire of Ross. Charles entered the town immediately after Loudon left it, and the garrison of Fort George made a very short defence. With the cannon taken in this fort, Charles was enabled to undertake the siege of Fort Augustus, which also surrendered in a few days, the garrison of a hundred and fifty men being made prisoners of war. The prince now established his head-quarters in Inverness, where his highland forces began to reassemble, and they received encouragement by the arrival at Aberdeen and Peterhead of ships from France which had contrived to escape the British cruisers. They brought a picket of Fitz-James's cavalry, and a supply of money, arms, and ammunition. These reached Inverness about the end of February, with the portion of the pretender's army under lord George Murray, who had been dislodged from Aberdeen by the approach of the duke of Cumberland. In the beginning of March, an expedition was sent into Ross-shire under lord George Murray and the duke of Perth, and lord Loudon was driven from post to



post until he was obliged, with Forbes, and about six hundred of his men, to take refuge in the Isle of Skye. On his return from this exploit, lord George Murray planned and carried into effect an expedition to surprise all the loyalist posts in Athol, and one after another they all fell into the hands of his highlanders, generally with little resistance, until he came to Blair castle, which was successfully defended against him by sir Andrew Agnew.

A party of soldiers from Blair were at Lude, and their officers in Blair inn, when the former were surprised and captured; but the officers with great difficulty succeeded in making their retreat into the castle. Sir Andrew Agnew, the governor of Blair castle, immediately sallied forth, and surprised his enemies, and lord George Murray would have been taken but for his extraordinary presence of mind. But lord George soon collected his forces in greater

number, and regularly invested Blair castle, but the garrison held out with remarkable fortitude, until, after suffering a blockade of eighteen or twenty days, and being reduced to the last extremities for want of provisions, they were relieved by the earl of Crawford. The siege of Fort William, the more westerly of the line of highland forts, had been formally undertaken under the direction of general Stapleton and Lochiel, with Keppoch and Stuart of Appin, and their clans, and three hundred men of the French-Irish pickets; but they were so much impeded in the conveyance of their artillery, that it was the 20th of March before they got their guns in position, and then the garrison defended themselves so well, that the besiegers were called off to more pressing work before they had made any progress. Early in April they raised the siege, leaving a considerable portion of their battering train behind them.

## CHAPTER X.

### THE BATTLE OF CULLODEN, AND ITS CONSEQUENCES.

WHILE the rebels were busy with these gallant but petty affairs in the highlands, the royal forces were gradually closing upon them, and were receiving constant reinforcements. General Bland, at this time, lay at Strathbogie, general Mordaunt at Old Meldrum, and the duke himself had his head-quarters at Aberdeen, with strong advanced posts in various directions. The prospects of the rebels were in other respects anything but encouraging. Their supplies from France had now little hope of reaching their destination, and just at this time the *Hazard* sloop, bringing men and officers, with a considerable sum of money for the young pretender, was captured on the coast of Sutherland. Charles was severely disappointed by the loss of the money, for his funds were now very low, and he talked of attempting an expedition to the south to raise money by levying exactions on the lowlands, but this in his present circumstances was hardly possible. His choice remained between risking a pitched battle, or falling back into the mountains and pro-

longing the war there, and the highlanders, who saw the season of the year now approaching when their wilds were most accessible, were in favour of the former alternative. As it was evident that Inverness would be the point of attack, the highland army was concentrated there, and all the detached parties were hastily called in, for no one could doubt that the duke of Cumberland would speedily show himself on the banks of the Spey.

Cumberland waited at Aberdeen until his fleet of men-of-war and transports had arrived, and then, on the 7th of April, having ascertained that the Spey was now fordable, he put his army in motion, and the last division left Aberdeen on the 8th. They marched along the coast, generally with the fleet in sight, and the soldiers plundered the houses of jacobites on their way, and burnt the episcopal chapels. At Banff the duke ordered two spies to be hanged, and other executions of this kind marked his route. On the 11th the whole army united at Cullen, and they marched from thence to Fochabers on the banks of the Spey, whence

they beheld a strong body of the rebels on the other side under lord John Drummond, who had erected a battery and threatened to dispute the passage of the river. It is said to have been the intention of the rebels to fight the decisive battle here, and to have been their expectation that Drummond would be able to hold the duke of Cumberland at bay until the whole army was collected at that point; but the highlanders were still much dispersed, and lord John was soon forced to retire before the duke's superior artillery. The royal army passed the river in three divisions, one at a ford near Gormach, another at Gordon castle, and the third at Belly church. Cumberland's head-quarters were that night at Speymouth, and next morning he continued his march to Alves, within four miles of Elgin. On Monday, the 14th of April, as Cumberland's van, composed of the Argylishire highlanders, with some grenadiers and Kingston's light horse, entered Nairn, they came up with lord John Drummond's rear, and a skirmish between the English grenadiers and the Irish pickets took place on the bridge. The royal troops followed the enemy to a distance of four or five miles beyond Nairn, but the sudden arrival of prince Charles, with his guards and the Mackintoshes, checked them, and they returned with all speed to Nairn, where they found the royal army encamped on a plain to the west of the town. Next day (the 15th of April), which was the duke's birthday, the men were allowed to repose themselves.

Charles slept at Culloden-house, the seat of Duncan Forbes, on the night of the 14th, while his troops lay among the heather on the adjacent moor. Early next morning they were drawn up in order of battle on Drumossie-muir, about a mile and a-half to the south of Culloden-house, expecting the appearance of the duke's army, which they supposed was on its way to attack them. Although Lochiel and the Camerons had arrived during the night, several of the clans were still absent, and they were therefore still deficient in the numbers with which they intended to give battle. At noon they still remained in position on the moor, without any intelligence of the enemy, upon which lord Elcho was sent out with the horse to reconnoitre, and he soon returned with intelligence that the duke's soldiers remained at Nairn, drinking and singing in honour of his birthday, and showing no in-

tention of advancing that day. A council was immediately held, at which Charles proposed to march with all the forces they had then and attack the duke's camp in the night. The duke of Perth, lord John Drummond, and Lochiel, are said to have been opposed to this plan, but lord George Murray, relying implicitly on lord Elcho's statement, which appears to have been incorrect as to the extent to which Cumberland's soldiers were carousing, insisted upon the advantages of the night attack, and it was finally agreed that it should be undertaken. All this while the troops, who had been some time without pay, were entirely without food; and it is asserted that during the whole day they had only one sea-biscuit for each man; and when the council broke up, it was found that many of them had stolen off to Inverness or elsewhere in search of something to eat, refusing to return, and alleging that they might as well be shot for disobedience as die of starvation, while those who remained were discontented and murmured. It was now approaching the hour (eight o'clock), when by the decision of the council, they were to begin their march towards Nairn; but the appearance of the men was so unsatisfactory, that many were of opinion they ought to relinquish the design. Charles, however, was resolved they should proceed, and accordingly they set out with orders to march in profound silence and to use no fire-arms in the attack.

The distance in a direct line to the royal camp was about twelve miles, and it was arranged that the whole army was to march together till they reached Kilravock, about nine miles from Culloden, where lord George Murray, with about one-third of the army, was to cross the river Nairn and march along the south side, while the remainder continued on the direct road, so that the attack might be made on two sides of the camp at once. Charles's army marched in a long line, with a gap in the middle which made it resemble two columns following each other. Lord George Murray, with the Athol brigade, marched in front, and lord John Drummond in the rear, of the first division; while the prince with the duke of Perth marched, according to some accounts, in the gap between the two divisions, or, according to others, in the rear of the second division, in which were the French and Irish pickets. These latter, sinking continually in the deep wet ground, were retarded in their march, while lord George



hurried forward his highlanders, who were more accustomed to such marches than their foreign allies. The consequence was, that long before they reached Kilravock the distance between the two divisions had become inconveniently great, and immediately they passed that place, it was found necessary for the first division to halt and wait for the others. This caused much delay, which seems to have been accompanied with no little dispute and recrimination. It was now two o'clock in the morning, the hour at which they ought to have reached the camp, and, as it was evident they could not now reach it before day-break, all hope of taking it by surprise had vanished, and it was the general opinion of the chiefs that it would be folly to attempt it, and that the only thing now to be done was to return. Charles was still desirous of proceeding, but he was too far behind to hold ready communication with the front, and lord George, taking advantage of conditional directions which had been transmitted to him, gave the order for everybody to make the best of their way back to Culloden. As might be expected, such a retreat was singularly discouraging, as well as fatiguing, to men who were already suffering so much from hunger and fatigue that many of them had dropped down on their march towards Nairn, and had fallen asleep through exhaustion. The return was much more rapid than the advance, as they had daylight to guide them, and there was no necessity for seeking a circuitous route; but when the men reached Culloden, they were broken with fatigue, and the army was full of murmuring and insubordination. Charles was furious at the abandonment of the enterprise, and gave offence to many of his officers by his pettishness; yet there can be no doubt that the surprise would have been a failure. The duke of Cumberland had full intelligence of their design, and of all their movements, by spies who, being highlanders like themselves, mixed easily among them; and his men, instead of being drunk as Charles supposed with the preceding day's potations, lay on their arms all night prepared for an attack, while the Argyshire highlanders were stationed in the plain considerably in advance of the camp, as an outpost, and still further in advance of them a party of dragoons patrolled during the night from the water of Nairn to the sea.

It was between five and six o'clock when the rebel troops reached Culloden, and they

were in such an exhausted condition, that a majority of them threw themselves on the ground to sleep, while others went to Inverness and other places in search of provisions. It was estimated that not less than one-third of Charles's army was thus scattered over the country for several miles round. The horses were too much knocked up to be fit for patrolling, and the prince and every one appear to have been still labouring under the belief that Cumberland's soldiers were all drunk and unfit for duty, and that no immediate danger was to be apprehended from them. Charles and his officers went to their old quarters in Culloden-house, where they drank some whiskey and then went to bed. But they were aroused almost immediately by the arrival of one of Lochiel's lieutenants, who, having been left asleep at Kilravock, now came almost breathless with running to give the alarming intelligence that the royal army was in full march to Culloden. The confusion was great, and it was not without difficulty that the numerous stragglers were called in, and the highland army was assembled under arms on the muir of Drum Mossie, somewhat nearer Inverness than on the preceding day. The chiefs now represented to Charles the exhausted condition of their men, and lord George Murray entreated that they might be drawn away from their present exposed position on the plain, to a rising ground in the rear, where they could await the arrival of strong reinforcements they knew were on their way, before they were compelled to give battle. But Charles was in one of his obstinate humours, and, representing that this would look like avoiding a battle, he told his officers that he was determined that in future no one should command his army but himself. He then ordered Sullivan to marshal the troops, and he increased the ill-humour already existing among them by taking from the Macdonalds the position they claimed on the right of the line, which was considered the post of honour, and which they pretended they had held ever since the battle of Bannockburn, and giving it to the men of Athol. The clans as usual formed the first line, the right of which was commanded by lord George Murray, and the left by lord John Drummond. The second line consisted of the lowlanders, the French and Irish pickets, and a few clansmen. The earl of Kilmarnock was posted behind this line, with his foot, and as many of the horse as could be

mounted, as a reserve; and Charles himself, with two troops of horse, occupied a small eminence in the rear of the second line to the right. The first line had its left protected by a marsh, and its right by a strong stone wall of a large enclosure which extended to the river.

The battle which followed, like almost all those in which the highlanders were concerned, was of very short duration. When the duke of Cumberland first came in sight of the rebels, he seems to have been surprised at finding that they had remained to fight, and, at the distance of about half a mile from their front, he formed his army, also in two lines, but with a powerful reserve. Each line consisted of six regiments of foot, Burrell's regiment, which had distinguished itself at Falkirk, holding the left of the first line, and the Scots royals the right, while Howard's regiment had the right of the second line, and Wolfe's the left. On their right, a morass stretching to the sea-shore, was a sufficient protection, while a strong body of dragoons and four companies of the Argyleshire highlanders were placed on the left. The reserve consisted partly of cavalry. The centre of the first line was commanded by the earl of Albemarle, the right by major-general Bland, and the left by lord Ancram; the duke of Cumberland was on the right of the second line, and general Hawley on the left. Before these arrangements were completed, the rebels opened their fire upon the royal army with a few pieces of artillery, which were so ill-served that the only harm they did was to carry away the leg of one common soldier. On the contrary, as soon as Cumberland's guns were brought up to his front, they were directed upon the masses of the highlanders with such destructive precision, that it required the utmost exercise of lord George Murray's authority to keep them steady in their lines for a short time. The cannonade on both sides lasted about an hour, during which time the duke brought up some of the infantry of his reserve into the front, and Wolfe's regiment was thrown forward to the left of the first line, where they formed in advance and at right angles to it, so that when the highlanders came up, they would be taken in flank. At length the clans from the centre and right of Charles's front line were seen rushing forwards according to their usual mode of fighting, led by the Mackintoshes. As they approached, the English cannon poured

grapeshot upon them, while they were taken in front and in flank by the musketry of the duke's first line and of Wolfe's regiment; yet they continued to advance, turning a little to the left to avoid the artillery, until, having as usual discharged their muskets and thrown them down, they drew their claymores and threw themselves upon their opponents with such impetuosity that they broke through Burrell's regiment, and forced their way into the space between the first and second lines. But they were received steadily by Sempill's regiment, with such a destructive fire that they were obliged quickly to fall back, with the exception of a few who fell in the desperate attempt to break the ranks opposed to them. It was calculated that near five hundred of the highlanders were slain or desperately wounded in the space between the two lines. The left of Charles's first line, consisting of the Macdonalds, who had been offended by losing their place on the right, and the Fergusons, had not shown the same eagerness to advance; but when they saw the Mackintoshes engaged with the first line of the enemy, they also rushed forwards, discharged their muskets and threw them down, and were soon advancing sword in hand. They were checked, however, for a moment by the heavy discharge of grape and musketry to which they were now exposed, and, seeing that the Mackintoshes and other clans of their right had been repulsed and were retreating, they also began to fall back, without having suffered any very considerable loss. They were at first pursued by some English dragoons, who, however, were driven back by some Irish pickets in Charles's second line. What remained of his first line now formed into one line with the second, and they might still have renewed the fight, or perhaps effected an orderly retreat, but they were suddenly alarmed by a new danger on their right, where general Hawley with the Argyleshire highlanders had broken down the wall of the enclosure, killed all they found within, and made gaps in the wall on the other side, through which lord Ancram brought a strong body of English dragoons and formed on their flank. The highlanders, seeing the duke's army at the same time advancing upon them in front, now lost all hopes, and began to leave the field in separate parties, some with their chief and some without, until the flight became general. The violent partisans of prince Charles re-



present him as showing great magnanimity at this fatal moment, and as being with difficulty forced from the field by his friends; but we have lord Elcho's own authority, which there is no reason to discredit, for the contrary statement, that that nobleman rode up to the young pretender and implored him to make one desperate effort and lead a general charge in person as the only chance of retrieving the day, but that Charles turned pale and refused, and that lord Elcho called him an Italian coward and a scoundrel, and declared he would never serve him or speak to him again, a threat which he is said to have fulfilled. It is certain, however, that Charles fled precipitately from the field of battle, attended by a few of his favourites, and that he hardly stopped or looked back until he reached lord Lovat's house of Castle Dounie.

The other fugitives went off from the field of battle in two bodies, of which the larger party, consisting of the western highlanders, fled towards Badenoch, and made their escape without much loss. The others, comprising the Frasers, lord John Drummond's regiment, and the foreign pickets, made for Inverness, and were dreadfully slaughtered on the way by the duke of Cumberland's cavalry, who seldom gave quarter. The duke followed with the infantry, and when he came near to Inverness, he was met by a drummer, with a letter from the foreign officers, who offered to surrender. Their offer was accepted, and the duke sent a company of grenadiers to receive their arms and take possession of the town.

Such was the battle of Culloden, so disastrous to the cause of the Stuarts. When we consider all the circumstances, the highlanders did wonders, and their defeat did not disgrace them. It is difficult to ascertain the exact numbers, when intentional misstatements were constantly made on both sides, but the duke of Cumberland must have had from seven to eight thousand men, all fresh and in good condition, whereas the highlanders could not altogether have exceeded five thousand, and these were broken with fatigue and hunger. The loss of the highlanders is believed to have been from two thousand to two thousand five hundred men; as the slaughter took place chiefly in the pursuit, the loss of the royal army was, as might be expected, comparatively small—the official returns made it only three hun-

dred and ten killed, wounded, and missing. But the highlanders lost more in the quality of their men killed than in number. In the desperate attempt to break the duke's lines on the field of Culloden, almost every man of the highlanders' first ranks perished, and it is well known that the first rank always consisted of those who in the clan held the position of gentlemen. Many of the bravest of the chiefs were killed or desperately wounded. Maclauchlan, who commanded the two clans of Maclauchlan and Maclean, having fallen, Maclean of Drimnin succeeded him, and was bringing off the remains of the clans, when he learnt that two of his sons were killed, and that the third was missing. He was returning to seek for them, when he fell by a random shot. When the Macdonalds refused to advance, Keppoch, their chief, disdained to remain with them or retreat, but with his sword drawn and a pistol in the other hand he advanced towards the enemy, when a musket-ball brought him to the ground. A friend who had followed him, observed that his wound was not mortal, and implored him to retire while it was in his power. Keppoch begged him to take care of himself, and attempted to rise and proceed, but another shot dispatched him. Lochiel, the favourite of the highlanders, advanced at the head of his clan, and had fired his pistol, and was drawing his sword, when he was badly wounded in both his ankles and fell to the ground. Two of his kinsmen, who stood by him, laid hold of him as he fell, and carried him off the field to a place of concealment, until they could bear him away into the mountains.

Ruthven now became the rallying place of the highlanders, and on the 18th, when they were joined by Clunie and by some of the clans who had not reached Charles's army time enough to take part in the battle, they were nearly as numerous as at Culloden, and in better condition—a decisive proof of the wisdom of the advice given by the chiefs to their prince, to avoid the battle and fall back upon his friends in the mountains. Lord George Murray, who was at their head, dispatched a messenger to Charles, inviting him to return to them, and explaining to him his hopes and plans. But the prince, after his defeat, had sunk into a state of blind despondence, and his only thought was of escaping to France; and he returned a letter, coldly thanking the highlanders for their attachment, but desiring

them to provide for their own safety, until some more favourable opportunity should arrive. On receiving this message, the clans separated, and further attempt at resistance was given up. The clans who had remained neutral, now declared for the government, and the Grants and others went to join the duke, and became valuable auxiliaries in taking vengeance on the rebel clans. As soon as it was known that the gathering at Ruthven had failed, the Grants were sent to occupy the country of the Mackintoshes. General Mordaunt had been sent into the country of the Frasers, to destroy Castle Dounie and bring away all their cattle and provisions; but as reports were still circulated of new gatherings of the highlanders, which the duke could not venture to disbelieve, he kept his army together at Inverness, where multitudes of prisoners were brought daily, among whom was the earl of Kilmarnock. Many of these were shipped off immediately to England for trial. At this moment, two French frigates, with arms, ammunition, and money to the amount of forty thousand pounds, arrived in the part of the highlands in possession of Charles's friends, and a council of chiefs was held in the Isle of Mortlaig, where lord Lovat had been conveyed for secrecy; at this meeting were present Lochiel and his brother, Dr. Cameron, Cluny, Glengarry, Roy Stuart, Barrisdale, and some others, and it was resolved to call the highlanders together immediately. But it was now too late, and the chiefs, finding that the duke of Cumberland's disposition of his troops had made it impossible for them to act with any hope of success, sent counter-orders to their absent friends.

When Cumberland had convinced himself that no rising of any importance was to be expected, he commenced his march towards the north. A proclamation was issued at Montrose, on the 24th of February, commanding all persons who had been with the pretender to deliver up their arms, and give in their names to the nearest magistrates. As this proclamation was very imperfectly obeyed, if obeyed at all, another appeared on the 1st of May, requiring all magistrates and officers of justice to search for such as had been in arms against his majesty, and to seize their weapons. Soon after this, a regular cordon of troops was drawn round the rebel districts, and the king's troops and loyal highlanders were then let loose upon them, and they were for

some time wasted and ravaged in the most relentless manner. The castles and houses of the chiefs were first burnt to the ground, and then every house or cabin was doomed to the same destruction. The cattle, provisions, and movable property, were all swept away, and men, women, and children were slaughtered or died of want in great numbers, and underwent all the horrors of the most savage warfare. Such was the severity with which the duke of Cumberland followed out his plans of disabling the jacobite clans from further rebellion, that he obtained by it, even in England, where he was popular, the title of *the butcher*. Many of the noblemen and chiefs who had been with the pretender in this rebellion, contrived to effect their escape to the continent, but others were taken, and not a few of these suffered the utmost severity of the law. The earls of Kilmarnock and Balmerino were taken immediately after the battle of Culloden; and the marquis of Tullibardine, after an attempt to escape westward, was obliged to give himself up. The duke of Perth got on board a French ship, but died on his voyage. Lord Lovat was also traced to his hiding-place, and secured. All the prisoners of rank were sent to England, where the trials commenced in the middle of July. The English rebels were first tried and executed. On the 28th, Kilmarnock, Cromarty, and Balmerino, were brought to their trial in Westminster-hall, where the two first pleaded guilty, but Balmerino defended himself, and raised objections upon points of law. Sentence was pronounced on all three. Balmerino disdained to sue for mercy, but the other two expressed the greatest repentance for their crimes, pleaded their former loyalty, and supplicated for mercy. Cromarty alone was reprieved; the other two were executed on Tower-hill, on the 18th of August. Both died consistently with their previous conduct at their trials, Kilmarnock repentant, and Balmerino steady to the cause for which he suffered. Numerous other executions followed in London and Carlisle, chiefly of rebel officers. Among those who suffered at the latter place was Thomas Cappock, whom Charles had made bishop of that city. Lord Lovat, who was in his eightieth year, was impeached in December, and was brought to trial on the 9th of March, 1747. He defended himself with great talent and resolution, but the evidence of his treasons was too strong to be overcome, and he was found



guilty and sentence pronounced against him. Little sympathy could be expected for a man whose whole life had been one scene of crime and treachery; but from the time of his sentence to his death he behaved with

the greatest calm and decency, and apparently in sincere repentance for the past. He was beheaded on Tower-hill, on the 9th of April, and his body buried in the chapel in the Tower.

## CHAPTER XI.

### WANDERINGS AND ESCAPE OF THE YOUNG PRETENDER.

WHILE his friends were thus suffering for their devotion to his cause, Charles was for many weeks a houseless and proscribed wanderer in the wilds of the north, and his adventures formed the most romantic episode in this eventful history. The prince, who had never been within range of musketry at the battle, had fled from the field with a few horse, instead of accompanying the large body of highlanders, and he crossed the Nairn at the ford of Falie, three miles from the scene of the fight. Here he halted a moment, but exhibited the utmost despondence, and having dismissed all his companions, except a very small number of his favourites, such as Sheridan, Sullivan, and Hay, he continued his flight to lord Lovat's. There are different accounts of his reception by that nobleman, none of which are perhaps strictly correct, but it seems certain that he partook of some refreshments and rested awhile, and then, travelling during the night, proceeded to Glengarry castle, which he found stripped by its owners of everything, so that he was obliged to lie down on the bare floor, and all he could obtain to eat was a salmon which one of his attendants caught in the lake. Here he was obliged to diminish further the number of his companions, and retained only Sullivan, a priest named Macdonald, and Edward Burke, who acted as his guide. He next wandered through Lochiel's and Clanronald's countries, and the chief of the latter earnestly entreated him not to desert those who had risked everything for him, but to remain in Scotland till his adherents could be brought together again, undertaking to conceal him effectually in the woods until they could either retrieve their fortunes or procure a safe passage to the continent for him. But

Charles was anxious only to escape, and he insisted upon leaving the mainland and being carried to the isles, where he expected to find more easily some vessel to carry him to France. Charles and his small party were now obliged to abandon their horses, and he proceeded on foot through the mountains to Boradale, in Lochaber, the spot where nine months before he had first landed on Scottish ground. At twilight on the evening of the 26th of April, ten days after the battle, Charles went into a boat at Loch-nanuagh, but he was overtaken by a storm in the night, and in the morning the boatmen found that they had been driven to the small isle of Benbecula, one of the Hebrides. They took up their lodging in a deserted hut, in which they remained three days, the tempestuous weather at once confining them to the island and protecting them from pursuit.

On the evening of the 29th the weather became more calm, and they returned to their boat and made sail for Stornaway in the isle of Lewis, where they hoped to get a ship to convey the prince to France, but they encountered another storm in the night, which drove them to the little isle of Scalpay or Glass, near the isle of Harries. They were now among hostile clans, and to avoid suspicion they represented themselves as merchants shipwrecked on their way to the Orkneys, Charles passing as Sullivan's son, and both going by the name of Sinclair. They were hospitably entertained at a farmhouse, while Donald Macleod was dispatched to Stornaway to freight a vessel for the Orkneys, and Charles having received a message from him on the 3rd of May, that the ship was ready, crossed over in a boat to Loch-Sheffort, in Mackinnon's country, and travelled thence on foot, accompanied

only by Sullivan, O'Neil, and a guide. The night was wet and stormy, and they lost their way, so that after wandering till daylight amongst the hills, they only reached Arynish, half a mile from Stornaway, about noon on the 5th of May, and Charles sent his guide to Donald Macleod at Stornaway, desiring he would send brandy, bread, and cheese, for they were almost starved. The faithful Donald soon brought it himself to him and his two companions on the moor, all wet to the skin, and much wearied with their journey; and he took them to lady Kildun's (Mackenzie) at Arynish, to wait there till everything should be ready for setting sail. Being wearied, the prince went to sleep.

When Donald returned to Stornaway, he found the place filled with reports that the prince was somewhere in the island, and the people rising in arms to seize him. The alarm was so great, that of their four boatmen, two fled to the moor, and the others hurried to sea with the boat, but the latter returned about two o'clock in the morning of the next day (the 6th), and Charles and his companions, anxious to make their escape from the imminent danger, embarked with only two boatmen, as nothing could be heard of the others. It was his wish to try and reach the Orkneys, but the boatmen declared that with so frail a craft this was impossible, and refused to make the trial. Moreover, these seas were now covered with English vessels, large and small, on the look-out for fugitives, and they had not gone far before they came in sight of two ships which obliged them to seek concealment in the small desert isle of Euirn or Iffurt, a little to the north of Scalpay, where they feasted upon some dried fish left there by the fishermen of Lewis. They staid here till the 10th, lying in a wretched hut, which was so ill-covered that they were obliged to spread the boat's sail over the roof, and lie upon the bare floor, keeping watch by turns. About ten in the forenoon of the 10th of May, they embarked again, taking about two dozen of fish with them, and reached their hospitable farmer's in Scalpay in safety. They were obliged to row from Scalpay, as the wind was unfavourable; but about break of day on the 11th, the wind rising, they hoisted sail; soon after which, they were chased by an English ship, but made their escape among the rocks, at the point of Roudil, in the Harries, in Macleod's country. They

now kept close in shore, and sailed to Lochmaddy to the south of the Uist; but seeing a ship there also, they proceeded to Lochniskaway in Benbecula, and thence to an island in the loch called Loch-Seibert, where they arrived about four in the afternoon. It being low water, one of the boatmen went among the rocks and caught a partan (a crab-fish), which he held up in great joy, and Charles then took up a cog, or a wooden pail, and running to the boatman, assisted in the sport, and they soon filled the cog. They had to go two miles to seek a small hut, which was so low that they were obliged to creep into it upon their hands and knees. Charles was here visited by the laird of Clanronald, who furnished him and his small party with provisions and other comforts, and conveyed him for security to a hut in the forest sixteen miles farther into the country, in the mountain of Curradale or Coradale, in South Uist. Donald Macleod was sent in Campbell's boat to the mainland with letters to Lochiel and Murray, the secretary, to know how affairs stood; and he was to bring money and brandy back with him for the prince.

Donald met Lochiel and Murray at the head of Loch-Arkaig, but got no money, though he purchased with some difficulty two ankers of brandy, with which he returned to Charles at Coradale, after an absence of eighteen days. He found him now in a better hut, with two cow-hides placed upon sticks, to prevent the rain from falling upon him when asleep. Charles had passed his time in hunting, shooting, and fishing, and seemed to have forgotten his danger, when he was reminded of it by information that the militia had come to the island of Eriska, between the islands of Barra and South Uist, which was too near to be agreeable, and on the 14th of June he, with O'Neil, Sullivan, Edward Burke, and Donald Macleod, sailed from the foot of Coradale, in Campbell's boat, and landed in Ouia or Fovaya, a small island between South Uist and Benbecula, where they staid four nights. On the 18th, the prince, O'Neil, and a guide, went to Rossinish, and Sullivan and Macleod were left in Ouia. Here the prince staid two nights, and then received information that the militia were coming towards Benbecula; which made it necessary to get back again to the foot of Coradale. Perils now began to thicken around them, for the militia boats were watching the sea between Ouia and Rossinish. Mac-



leod and Sullivan hearing of this, set sail in the night, and brought Charles from Rosinish to Coradale again; but meeting with a violent storm and heavy rain, they were forced into Uishness point, two miles and a half north of Coradale, at a place called Aehkirsideallich, a rock upon the shore, in a cleft of which they took up their quarters. This storm lasted a whole day; but at night, finding their enemies within two miles of them, they sailed again, and arrived safely at Celiestiella, from whence they steered towards Loch-Boisdale, but the appearance of a hostile boat, or at least the belief of the boatmen that they had seen one, made them put back to Celiestiella. There they remained that night, and next day got to Loch-Boisdale, where they were met with the disagreeable news that the laird of Boisdale was taken and a prisoner. As they had seen three sail within cannon-shot of the shore, they were obliged to return back again to Celiestiella.

Here Charles rested some days, but he soon became painfully aware of his desperate situation, for intelligence came that captain Scot had landed at Kilbride, within less than two miles of him. It was now necessary to diminish as much as possible the number of his attendants, and he was obliged to sink his boat, and to send away Sullivan, Donald Macleod, and his guide Burke, and all the boat's crew, keeping only O'Neil. They were to meet again at an appointed place, but Donald was soon after taken, and carried a prisoner to general Campbell; and Burke, who went over North Strand, to North Uist, remained there skulking in a hill called Eval, for near seven weeks; twenty days of which he had nothing to eat but dilse and lampocks (a kind of shell-fish.) After much distress, he was obliged at last to hide himself in a cave in North Uist, where he was fed by a shoemaker and his wife in the night, until he was set at liberty by the general act of grace, in 1747.

By this time, general Campbell, who had been as far as Kildare in search of the fugitive, and satisfied himself that he had not made his escape, suspecting that he might be lurking in the group of islands known popularly by the name of Long Island, but composed really of several separate isles, Barra, Benbecula, North Uist, Harries, and Lewis, determined to search these islands completely from north to south, and they were now occupied and surrounded by

his troops and ships, so that it was impossible for any one to pass backwards or forwards without a passport. Charles's position seemed at this moment hopeless, but he was released from it by the generous devotion of Flora Macdonald, a daughter of Macdonald of Milton, in the island of Uist, and a relative of the Clanronald family. Her father having died when she was an infant, her mother afterwards married Hugh Macdonald of Armidale, in the Isle of Skye, the eldest captain of the Macdonalds of that island, who was now in South Uist. Flora Macdonald was on a visit at her brother's at Milton, in South Uist, where O'Neil, who was slightly acquainted with her, informed her of Charles's perilous situation, and implored her assistance.

Having arranged her plan, Miss Flora went on Saturday, the 21st of June, to Clanronald's house, to get things necessary for the prince's disguise, &c. In going to cross one of the fords, she and her man, Neil Mackcehan, were taken prisoners by a party of militia, because she had no passport. She demanded to see their officer; but being told he would not be there till next morning, she asked what his name was, and to her surprise learnt that he was her own father-in-law, upon which she said she would stay there all night, till his return next day, rather than answer their questions; so she was carried into the guard-room, and kept prisoner, till relieved by her father-in-law, who arrived in the forenoon of Sunday, June 22nd, and was not a little surprised to see Miss Flora in custody. She took him aside and told him what she was about, and desired a passport for herself, her man Mackcehan, and for one Betty Burke, a woman who was a good spinner: and as her mother had a great quantity of linen to spin, she also desired a letter to recommend Betty Burke to her mother; Macdonald consented, gave the necessary passport, and wrote the following letter to his wife:—"I have sent your daughter from this country, lest she should be any way frightened with the troops lying here. She has got one Betty Burke, an Irish girl, who, as she tells me, is a good spinster. If her spinning pleases you, you may keep her till she spin all your lint; or, if you have any wool to spin, you may employ her. I have sent Neil Mackcehan along with your daughter and Betty Burke to take care of them.—I am, your dutiful husband, HUGH MACDONALD. June 22nd, 1746." Flora

next proceeded to Clanronald's house, where she acquainted lady Clanronald with the design, who joined heartily in it. On Friday, the 27th of June, lady Clanronald, another Macdonald, Flora, and her man Maekchan, conducted by O'Neil, went to the prince, eight miles distant, carrying with them a dress for his disguise, and some things to serve him in his voyage. When they arrived, they found him in a little hut, roasting and dressing dinner, which consisted of the heart, liver, and kidneys of a sheep, upon a wooden spit. They remained all night, and next morning they heard of general Campbell's arrival at Benbeeula; and soon after a servant came in a great hurry to lady Clanronald, to inform her that captain Ferguson with an advanced party of Campbell's men were at her house, and that the captain had slept in her bed the previous night. Upon this she returned immediately to her house, and Flora told Charles to prepare, for it was time to go. O'Neil begged to go with them, but he was assured that any addition to their number might attract observation and prove fatal, and he was obliged to remain behind. After their departure he met with Sullivan, who was still upon the island. About two days after, a French cutter, with a hundred and twenty men on board, put in at the isle of South Uist, intending to carry off the prince, who they had been informed was there, and Sullivan went immediately on board, while O'Neil went in search of the prince, but, during his absence, the appearance of some English vessels obliged the cutter to sail in great haste, and O'Neil, after seeking for the prince in vain, was himself made prisoner.

It appears that Charles had dressed in his new disguise as Betty Burke before lady Clanronald's departure, and now they removed with their crew to the water-side, where their boat was afloat, to be ready in case of any sudden attack from the shore. They arrived in a very wet condition, and made a fire upon a piece of rock, as well to dry as to keep themselves warm till night; but they had not been long here, when they were alarmed by four wherries, full of armed men, approaching towards the shore. They immediately extinguished their fire, and concealed themselves in the heather or ling; but their fears soon vanished, for the wherries sailed quietly by to the southward, within gunshot of them. On the 28th, about eight o'clock in the evening, they set out in very clear weather, but had

not been gone above a league, before the sea became rough, and at last tempestuous; and next morning, though it was clear and calm, the boatmen knew not where they were, the wind having varied several times in the night; however, they made a point of Waternish, in the west corner of Skye, where they soon tried to land, but found the place possessed by a body of forces, who had also three boats or yawls near the shore, and several men-of-war were in sight. A man on board of one of these boats fired at the boat to make them bring-to; but they rowed off, and would have been taken, had it not been providentially very calm, and the ships at some distance; while the militia on shore could not stir for want of the oars, that were hauled up and flung in the ling by their crew, who were scampering up and down. Flora and her charge reached in safety a creek or cliff in a rock, and there remained to rest the men, who had been all night at work, and to take some refreshment; and as soon as they could, they set forwards again, and at length landed safe at Kilbride in Trotternish, in the Isle of Skye, above twelve miles north from the above-mentioned point, and just at the foot of the garden of Mouggestot. In this neighbourhood there were several of the militia in search of the fugitive, whose commanding officer was at sir Alexander Macdonald's, the very house to which Miss Flora was going, though she did not know the officer was there until they landed. She left Charles at the boat, and went with her man to Mouggestot, the seat of sir Alexander Macdonald; but he was not at home, being then with the duke of Cumberland. On leaving this, she sent into the room to lady Margaret (sir Alexander's lady) to let her know she was come, having before apprised her of her errand, by one Mrs. Macdonald. Flora was at once introduced into the room where the company were, amongst whom was the commanding officer of the forces in that neighbourhood, who after some time asked Miss "Whence she came? which route she was going? and what news she heard?" &c. All which she answered as she thought proper, and very readily, so that he had not the least suspicion at that time of what she was about, especially as he saw when she went away, that she had only one servant with her, who, he was sure, could not be the prince.

Miss Macdonald having told lady Margaret where she had left the prince, and the



situation he was in, her ladyship, at a loss how to act in so critical a conjuncture, sent off directly an express to Donald Roy Macdonald (brother to Balshar in North Uist, who was at a surgeon's house, about two miles off, under cure of a wound he had received through his foot at the battle of Culloden), requiring his immediate attendance. Her ladyship applied, in the meantime, to Mr. Macdonald of Kingsborough, a relation of sir Alexander's and his factor, who happened to be then in the house, and was walking in close conference with him when Donald arrived. It was then agreed that the prince should be conducted that night to Port-ree, or King's-port, about seven miles from Kingsborough, by the way of that house; that Donald Roy should ride directly to Port-ree, and endeavour to find out the old laird of Rasay, to whose care the prince was to be entrusted; and that Neil Mackechan should return immediately to the prince upon the shore, inform him of the scheme concerted for his preservation, and direct him to the back of a certain hill, about a mile distant, where he was to wait for Kingsborough to be his conductor. Kingsborough, taking some wine and other refreshments, set out soon after for the place appointed, where he found Charles, and, after doing justice to the refreshments, they proceeded together.

When Flora thought the prince and Kingsborough had got some distance, she made a motion to go, and ordered her horses out directly; but lady Margaret pressed her strongly before the officer to stay, telling her at the same time that she (Miss Flora) had promised to stay the next time she came, when she was last there: but Miss begged her ladyship to excuse her, "because," she said, "I have been some time away, and my mother is not very well, and entirely alone in these troublesome times." At last lady Margaret excused her, but only on renewing her promise to make amends the next time she went thither; with which Miss very willingly complied. Everything being ready, Miss Flora and her man, Mrs. Macdonald afore-mentioned, and her man and maid, all set forwards. They had not gone far before they overtook the prince and Kingsborough. It was necessary from time to time to give Charles a lesson in his new character.

In wading a rivulet, the prince lifted his petticoats so high, that Neil Mackechan called to him for God's sake to take care, or

he would discover himself. The prince laughed heartily, and thanked him for his kind concern. Mrs. Macdonald's maid could not keep her eyes off the prince, and said to Miss Flora, "I think I ne'er saw sic an impudent-looking woman as Kingsborough is a-walking with; I dare say she is an Irishwoman, or a man in woman's claes." Miss Macdonald replied she was an Irishwoman, for she knew her and had seen her before. "Bless me," quoth the maid, "what lang strides the jade taks, and how awkwardly she warks her petticoats. I believe those Irishwomen could fecht as well as the men." Miss Macdonald not liking the maid's observations, and knowing they were near the place where the prince and Kingsborough were to turn out of the common road, and that it was not proper to let Mrs. Macdonald's man and maid-servant see which route they and Kingsborough would take, called out to Mrs. Macdonald to ride faster; "for," says she, "we shall be late out:" this was complied with, and they soon lost sight of the two on foot, who presently after turned out of the common road to avoid the militia, and went over the hill, till they arrived at Kingsborough's house, at about eleven o'clock at night, on Sunday, June the 29th. They were in a very wet condition, having walked seven long miles in almost constant rain. Miss Macdonald arrived about the same time, along the highway, having parted with Mrs. Macdonald, her man and maid-servant. Lady Kingsborough, not expecting her husband home at that time of night, was undressed, and just going into bed, when one of her maid-servants went up and told her that her husband was returned, and had brought some company with him. "What company?" says Mrs. Macdonald. "Milton's daughter, I believe," says the maid, "and some company with her." "Milton's daughter," replied Mrs. Macdonald, "is very welcome here, with any company she pleases to bring; but make my compliments to her, and tell her to be free with anything in the house, for I am sleepy and undressed, so I cannot see her to-night." In a short time Kingsborough's daughter went up in as great hurry as surprise, crying out, "Mamma, mamma, my father has brought hither a very odd, muckle, ill-shaken-up wife, as ever I saw; nay, and has taken her into the hall too." She had scarce said this before Kingsborough himself entered the room, and desired his wife to dress again as

fast as she could, and get such meat as they had ready for supper. "Who have you with you?" says Mrs. Maedonald. "You shall know that," replied he, "in good time, only make haste." Mrs. Maedonald then desired her daughter to go and fetch the keys which she had left in the hall. The girl went, and soon ran back again in a great hurry, and said, "Mamma, mamma, I canna gang in for the keys; because the muckle woman is a-walken up and down the hall, and I am afraid o' her." Mrs. Maedonald then went herself, but was so frightened, as she said, "at seeing sic a muckle trollop o' a earlin' mak sic lang strides through the hall, that she did not like her appearance;" so she desired her husband to fetch the keys, but he would not; so she was obliged at last to go herself. When she went into the room, the prince was sitting, but got up immediately and saluted her. Mrs. Maedonald then began to tremble; having perceived a rough beard, she imagined it was some distressed nobleman or gentleman in disguise, but never dreamt it was the prince. She therefore went directly out of the room, with the keys in her hand, to her husband, without saying one word to the prince, and greatly importuned Kingsborough to tell her who it was; and if he (meaning the person in disguise) could tell anything of what was become of the prince. Kingsborough smiled at her naming the beard, and told her, "My dear, it is the prince." "The prince!" cried she, "then we are a' ruined; we will a' be hanged now." "Hut!" cried he, "we will die but once, and if we are hanged for this, we die in a good cause, doing only an act of humanity and charity. But go make haste with supper; bring us eggs, butter, cheese, and whatever else is ready." "Eggs, butter, and cheese!" quoth she; "what a supper is that for a prince?" "Oh, wife!" replied he, "you little know how this good prince has lived of late; this will be a feast to him: besides, to make a formal supper, would make the servants suspect something; the less ceremony, therefore, the better." Charles eat a very hearty supper, and soon went to bed. He slept soundly during the night, and next morning, having received information that his disguise was known, he resumed male apparel, and set out for Port-ree, in company with Neil Mackechan and Kingsborough's herdboy, who served for a guide. From Port-ree, where Charles saw Flora Maedonald for

the last time, he passed over to the Isle of Rasay.

On the 3rd of July, Charles and his companions put to sea in a small boat, about seven o'clock in the evening, and after a rough passage, landed about eleven o'clock at night at a place in the island of Skye, called Nicholson's Great Rock, near Scorobreck in Trotternish, when they travelled to a byre (cow-house) about two miles from Scorobreck, where they took up their quarters. Charles, with Malcolm Macleod as his only companion, staid here twenty hours, without any kind of refreshment, not even so much as a fire to dry their clothes with.

On the 4th, about seven o'clock in the evening, they left the byre, and walked on about a mile without speaking one word; at last captain Macleod said, he hoped he would forgive him for asking where he intended to go. Charles answered, "I commit myself entirely to you; carry me to Mackinnon's bounds in Skye." They then changed clothes, the captain passing for the master, and the prince for the man, who, whenever they saw any person, or came near any village, always carried their little baggage, which consisted of two shirts, one pair of stockings, one pair of brogues, a bottle of brandy, some mouldy scraps of bread and cheese, and a stone bottle of water, which held three English pints; and at those times whenever he spoke to the captain, or the captain to him, he always pulled off his bonnet. They marched all night through miserable ways, over hills, wild moors, and glens, without halting, till they arrived at Ellagol, or rather Ellighill, near to Kilmaree, or Kilvory in Strath, in the laird of Mackinnon's country, and not far from where that laird lived, having walked twenty-four miles.

As they approached near Strath, in Mackinnon's country, Macleod suggested that as Charles was now coming to a country where he would be easily known, as Mackinnon's men had been out in his service, he must be more disguised; upon which the prince put his wig into his pocket, tied a dirty handkerchief about his head, and pulled his bonnet over it, a precaution which they soon found necessary. Soon afterwards, Malcolm told the prince that he had near there a sister married to one John Mackinnon, and recommended him to sit down at a little distance from the house, whilst he went in to learn if any of



their enemies were in that neighbourhood, and whether he (Malcolm) could be safe there with her; as the prince was to pass as his servant, Lewis Caw. Malcolm found his sister at home, but not her husband; after usual compliments at meeting, he told her, "that he was come to stay some little time there, provided there was no party of the military people about them, and that he could be safe." She said "he might;" and then he told her, "he had no person with him, except one Lewis Caw (son of Mr. Caw, surgeon in Crieff), who had been out in the last affair, and consequently in the same situation with himself; and that he was to pass as Malcolm's servant." She very readily agreed to take him, and Lewis (the prince) was called into the house. When Lewis entered the house with the baggage on his back and the napkin on his head, he took off his bonnet, made a low bow, and sat at a distance from his master; but the captain's sister could not help looking at him, observing something very uncommon about him. The captain then desired his sister to give them some provisions, for he was almost famished with hunger: the provisions were soon set out, and the captain called to poor sick Lewis to draw near and eat with him, as there was no company in the house. Lewis seemed very backward, alleging, "he knew better manners;" but his master ordering him again, he obeyed, and drew nearer, but still kept off his bonnet. After having got some refreshment, the captain desired the maid-servant to wash his feet, which being done, he desired her then to wash his man's (for the prince had "slumped" to the middle in a bog, whence Malcolm had had difficulty to pull him out), but she replied, "that though she had washed his, yet she would not wash that loon his servant's." But the captain told her, "his servant was not well, and therefore he would have her to do it." She then complied unwillingly, and rubbed his feet so hard that she hurt him. Soon afterwards, Malcolm Macleod hearing his brother-in-law was coming, went out to meet him. After the usual ceremonies, Malcolm asked him, "if he saw those ships of war (pointing to them) that were at a distance hovering about the coast?" "Yes," said Mackinnon. "What," says Malcolm, "if the prince be on board one of them?" "God forbid," replied Mackinnon. "What," said Malcolm, "if he were here, John; do you think he would be safe enough?" "I wish

we had him here," replied John, "for he would be safe enough; for nothing would hurt him here." "Well, then," replied Malcolm, "he is now in your house; but when you go in you must not take any notice of him, lest the servants or others observe you; for he passes for one Lewis Caw, my servant."

A boat was now provided to carry Charles to the mainland, but just as, in company with the old laird of Mackinnon, lady Mackinnon, and one or two others, he was going to embark, they espied two men-of-war coming towards them in full sail before the wind; and they were again obliged to conceal themselves. They all dined together in a cave, and Charles did not enter the boat till late in the evening, and after a tempestuous voyage, the prince and his company landed safe about four o'clock next morning on the south side of Loch-Nevis, near Little Malloch, where they lay three nights in the open fields. The fourth day, old Mackinnon and one of the boatmen having gone to seek a cave to lie in, the prince, with John and the other three, took to the boat, and rowed up Loch-Nevis, along the coast. As they doubled a point, they were hotly pursued by five men with red crosses on their bonnets (a badge worn by the highland militia), whose summons to come ashore John had not thought fit to obey; on the contrary, by his words and example, he so animated the three rowers, that they soon out-rowed their pursuers, turned another point, and stood in to the shore. The prince then sprung out of the boat, and, attended by John and another, mounted nimbly to the top of the hill; from whence they beheld the boat with the red crosses returning from their fruitless pursuit. On this eminence the prince slept three hours; and then returning down the hill, re-embarked, and crossed the loch to a little island about a mile from Scotus's house. They soon after repassed the loch, and landed at Malloch, where, having refreshed themselves, and met again with old Mackinnon and his servant, they set out for Macdonald of Morar's, about seven or eight miles distant. As they passed a "shealing," they spied some people on the road. Whereupon the prince made John Mackinnon fold his plaid for him, and throw it over his shoulder, with his knapsack upon it, tying a handkerchief about his head the better to disguise himself, thus once more assuming the character of a servant. After receiving

a draught of milk from Archibald Macdonald, grandson of Macdonald of Scotus, they pursued their journey and came to another shealing, where they procured a guide to Morar's bothy or hut, his house having lately been burnt. Morar receiving his guests as well as his situation would permit, conducted them to a cave, where they slept ten hours, during which time he went in quest of young Clanronald. As the young chief was not to be found, Charles took his leave of old Mackinnon and Morar, and in the evening set out with John, and only a boy, a son of Morar's, and a guide, for Boradale. Here they arrived before day, found the house burnt, and Boradale himself at a bothy hard by, to whose charge John committed the prince.

From Boradale's hut the prince sent for Glenaladale, a Macdonald of Clanronald's family. This gentleman arrived about the 15th of July, brought the prince intelligence of Lochiel and other friends, and assured him that the loss at Culloden, and after the battle, was not so great as Sullivan and O'Neill had told him. The prince then proposed to go to Lochaber, where he believed Lochiel was. He therefore continued some days in Boradale, till he heard of general Campbell's arrival with four hundred men on one side of him, and of captain Caroline Scot's with five hundred on the other, and that, having received intelligence of his hiding-place, they were forming a circle round him not above two miles distant. Under these circumstances Charles was advised to get, if possible, to the bras of Glenmoriston, where, and in Lovat's country, he might skulk till the passes should be opened. Donald Cameron of Glenpean consented to be his guide, and in the night conducted him safe through the guards who were in the pass; being obliged to creep upon all-fours so close to the tents, that they heard the soldiers talking to one another, and saw them walking between them and the fires. At the same time there went with the prince, Glenaladale, his brother, and two young boys, sons of Angus Macdonald of Boradale. In passing over the top of a mountain called Drymchosey, there happened to be a small rivulet issuing out of the precipice, and gliding over it, which made the darksome, steep, and pathless descent very slippery, being a mixture of grass and heath. The prince slipped a foot, and would unavoidably have been dashed to pieces before he could

have reached the bottom of the precipice, it being so very steep, had not Donald Cameron, being foremost as guide, caught hold of one of his arms, which he did only with one hand, being obliged to hold fast by the heath with the other, to preserve the prince and himself from tumbling headlong down together; and to cry aloud to Glenaladale to hasten down to their relief, which he instantly did, and got hold of the prince's other arm, and so recovered him immediately. Their difficulties increased at every step, for now they had to pass through the line of little camps, twenty-seven in number, called the "chain," which was so formed as to enclose the ground on the land side, where the prince was then known or believed to be concealed. When they came near to this military chain, which they could well spy at a distance by the fires, the night being very dark, Donald Cameron wisely proposed to pass through alone, and return again; "which," said he, "if I do with safety, then your highness may venture, I hope in God, to follow me the second time;" all which was accordingly most happily accomplished in the face of their enemies. During the time that honest Donald was meditating how to conduct the prince across the encircling chain, he would fall a-rubbing of his nose, and say to the prince, "O, sir! my nose is yuiking, which is a sign to me that we have great hazards and dangers to go through." After passing the wakeful guards, the prince made up to him, and pleasantly said, "Well, Donald, how does your nose now?" "It is better now," said he; "but it still yuiks a little." "Ay, Donald," replied the prince, "have we still more guards to go through?" Upon crossing the line, they were obliged to walk along, and not very far from it, in order to get at the place they intended. Betwixt two and three o'clock in the morning, July 21st, they came to a place near the head of Loch-Uirn, called Corriscorridill, where choosing a fastness, they took such refreshment as the exigency of the case could afford; the prince covering a slice of cheese with oatmeal, which, though but dry fare, he ate very heartily, and drank of the cold stream. They passed the day in this place till about eight at night, and the guide, Donald Cameron, knowing the way no further in the course the prince intended to hold, hoped to find some people thereabouts he could trust. Glenaladale and Donald therefore began to look about, in



order to find some such trusty folks ; but no sooner had they stepped a little from their concealment, than they found, to their no small astonishment, that they had lodged all day within cannon-shot of two small camps of the chain, and spied some soldiers gathering a few sheep together for slaughter, and so very near them, that they were forced to fall flat on their breasts, and crawl back on all-fours to the prince, to warn him of his danger, and the narrow escape he had had.

As the prince continued his progress, attended only by Glenaladale, they got safe into Glenmoriston about the 24th ; but were almost dead with hunger, having been forty-eight hours without meat, when Charles saw a little hut at a distance, and some smoke issuing out of the hole in the roof—"Thither" (says he) "will I go, let the consequence be what it may ; for I had better be killed like a man, than starved like a fool." His friend did all in his power to dissuade him from it ; but he would go. When they came to the hut, the prince went boldly in, and found six stout lusty fellows at dinner, upon a large piece of boiled beef ; a sight he had been long a stranger to. The men were six noted thieves, who had made their hut in that place for privacy and safety, and were not a little amazed at seeing a strange face entering there. One of them knew the prince, and also knew he was skulking ; but he, not thinking it safe to tell the rest of the company who their guest was, had the presence of mind, upon seeing the prince, to cry out, "Ha ! Dougal M'Cullony, I am glad to see thee." Charles, by this expression, found he was known, and, with equal steadiness of countenance, thanked him cheerfully, sat down with them, ate very heartily, and was very merry. The prince, his friend, and the man who knew the prince, walked out after dinner, and consulted what further was to be done ; and being informed of the state of the country about, and of the military dispositions, found it absolutely necessary to wait here for some time, and that the other five men must be intrusted with the secret ; which being done, they all rejoiced that they had it in their power to serve the prince. They conducted him to a natural cave, called Cairagoth, and in this grotto made up a bed for him of fern and tops of heath. A fine stream glided by his homely bedside within the cave, which was capacious enough to hold beds for them all. In this romantic

habitation the prince remained three days ; at the end of which he was so well refreshed, that he declared himself capable of encountering further hardships. They then removed two miles, to a place called Corieye-roch, where they took up their habitation in a natural grotto, no less romantic than the former. Regularly every day they mounted guard upon the prince, placed their sentry-posts at the head and foot of the glen, and had a foraging party of two to fetch provisions in their own cautious way. With Glenaladale and these men, the prince continued between the braes of Glenmoriston and Glen-strathferrar, till the guards were removed, and the passes opened.

About this time (the middle of July) one Roderick Mackenzie, a merchant of Edinburgh, who had been out with the prince, was skulking among the hills about Glenmoriston, when some of the soldiers met with him ; and as he was about the prince's size and age, and not much unlike him in the face, they took him for the prince, and killed him, and, as his dying expressions confirmed them in this mistake, they cut off his head, and carried it to Fort Augustus to claim the reward. The soldiers and militia sent out to take the prince and his adherents, now imagining that he was killed, began to be less strict in their watch, which gave the fugitives greater facility of moving about. Towards the beginning of August Charles went with his new retinue into Lochaber, to Achnasual, two miles from Achnacarie, the residence of Lochiel. They brought no provisions with them, expecting to be supplied in that country, where there used to be greater plenty than whence they had come ; but they were greatly disappointed, finding all the country plundered and burnt, and no cattle or any other sort of provisions to be got. In this distress they remained some time, when at last one of the Glenmoriston men spied a hart, and shot her ; on which they lived, without bread or salt. The next day, the prince being informed that Macdonald of Lochgarry, Cameron of Cluns, and Cameron of Lochnasual, were in the neighbouring mountains, sent after them, and at the same time sent Peter Grant (the most active of the Glenmoriston men) to Lochiel, who was then about twenty miles off, to let him know where he was. Before the prince sent to him, Lochiel had heard also that it was supposed the prince was in the country,

and sent his brother, Dr. Cameron, and the Rev. John Cameron, by different roads, to get intelligence of him.

The person sent to Lochiel, met Dr. Cameron within a few miles of the place where Lochiel was, who was obliged to return to Lochiel with two French officers he had met with, and who were in quest of the prince also. Next day Lochiel sent Dr. Cameron with four servants to the prince, and they crossed the river, and went to the hut where he was, which was built on purpose in a wood betwixt Achnasual and the end of Loch-Arkaig. The prince, and Cameron of Achnasual, upon seeing the doctor and his brother at a distance, and not then knowing who they were, had left the hut and gone a little from it; but being soon informed who they were, immediately returned to a joyful meeting, and then learnt that Lochiel was well, and recovered of his wounds. The prince was at this time barefooted, had a long beard, a dirty shirt, an old black kilt coat, a plaid, and a philibeg, a gun in his hand, and a pistol and dirk by his side; he was very cheerful, and in good health. They had killed a cow the day before, and the servants were roasting part of it. At dinner the prince ate heartily, and there was some bread which they had procured from Fort Augustus.

The prince proposed going immediately to Lochiel; but understanding there was a rumour of his having passed Corryarack with Lochiel and thirty men, which might probably occasion a search in those parts, he resolved to stay some time longer where he was. Soon after he dispatched Glenaldale to look out for ships on the west coast; and dismissed the Gleumoriston men, having no further occasion for their service.

In this neighbourhood Charles continued moving from one hut to another till about the 28th of August; the sons of Cameron of Cluns, Mr. John Cameron, an itinerant preacher stationed at Fort William, who had joined the prince's army, and Captain Macraw, of Glengarry's regiment, being his chief attendants. As they were one day in the hut which Cluns had built for his family (after his house was burnt), information was brought that a party of soldiers were advancing. They proved eventually to be only a party sent to bring in provisions for the garrison. But Cluns and his family had made preparations for defence and escape, and Charles left the hut, and they

proceeded to a small hill above the wood, whence they had a commanding prospect of Glenkengie, which they reached unobserved, under cover of the wood; but Charles resolved that night to go to the top of Mullanagart, a high, steep, and craggy mountain in the bras of Glenkengie. The prince and his party remained all day on the top of the mountain without any food. In the evening another son of Cluns' came, and told them that his father would meet them at a certain place in the hills somewhat distant, with provisions. Cluns' son returned to let his father know that he might expect them. At night, Charles with his attendants set out, and travelled amongst rocks and stumps of trees, which tore their clothes and limbs: at one time the guides proposed they should halt and stay all night; but Charles, though exhausted to the greatest degree, insisted on going to meet Cluns. At last, worn out with fatigue and want of food, he was not able to go on without help; and the two guides holding each of them one of his arms, supported him through the last part of his laborious journey. When they came to the place appointed, they found Cluns and his son, who had a cow killed, and part of it dressed for them. From this place they went to the bras of Achnacary, and waded through the water of Arkey, which reached up to the mid-thigh; in which wet condition the prince lay all night and next day, in the open air, yet caught no cold.

In a day or two, Lochgarry and Dr. Cameron having returned from Lochiel, the next night Charles set out with Lochgarry, Dr. Cameron, Alexander (Cluns' son), the Rev. John Cameron, and three servants, and travelled in the night and slept all the day, till they found Lochiel, who was then among the hills between the bras of Badenoch and Athol.

The danger of discovery was now considerably lessened, but it was still necessary to keep close. Charles's place of concealment was a romantic habitation made for him in the face of a very rough, high, and rocky mountain, called Letternilchik, a remote place in the great mountain Benalder, full of great stones and crevices, and some scattered wood interspersed. This habitation, called the Cage, was in the face of that mountain, within a small thick bush of wood. There were first some rows of trees laid down, in order to level a floor for the habitation; and as the



place was steep, this raised the lower side to an equal height with the other; and these trees, in the way of joists or planks, were levelled with earth and gravel. There were betwixt the trees, growing naturally on their own roots, some stakes fixed in the earth, which, with the trees, were interwoven with ropes, made of heath and birch-twigs, up to the top of the Cage, it being of a round or rather oval shape; and the whole thatched and covered over with fog (moss.) This whole fabric hung, as it were, by a large tree, which reclined from the one end all along the roof to the other, and which gave it the name of the Cage, and by chance there happened to be two stones at a small distance from one another, in the side next the precipice, resembling the pillars of a chimney, where the fire was placed. The smoke had its vent out here, all along the face of the rock, which was so much of the same colour, that one could discover no difference in the clearest day. The Cage was only large enough to contain six or seven persons; four of whom were frequently employed in playing at cards, one idly looking on, one baking, and another firing bread and cooking. Here Charles remained till the 13th of September.

About the 12th, Dr. Cameron had been sent southward, to try and hire a ship to carry them off from the eastern coast; in which he succeeded; but before his return, two friends arrived with the welcome intelligence that two French ships were on the look-out for him at Moidart. Charles set out the same night, and reached Moidart on the 19th of September, and, with about

a hundred of his adherents, including Lochiel, Roy Stuart, and Lochgarry, embarked next day, and reached the coast of France in safety on the 29th of the same month.

The history of Charles Edward Stuart, after his return to France, is devoid of interest. He was treated with respect at the French court, until the king of France, by the treaty of Aix-la-Chapelle, disowned all rivals of the house of Hanover. Charles protested against this treaty, and set the French court at defiance, and he was in consequence turned out of France very unceremoniously. During the rest of his life he resided principally in Italy, where he gave himself up to drunkenness and debauchery, and sank into the lowest degree of degradation of character. His father, the chevalier de St. George, died in 1766. Prince Charles had before this twice secretly visited England; in 1750, when he renounced popery, and in 1760, when he witnessed the coronation of George III. In 1772, he married the princess Louisa Maximilia de Stolberg, with whom he lived unhappily. He died from the effects of continual dissipation, in 1788. His younger brother, Henry, nominal duke of York, but better known as the cardinal de Yorke, which rank he held in the catholic church, having lost all his revenues by the consequences of the French revolution, lived on the generosity of George III., who allowed him four thousand pounds a-year, and died at the advanced age of eighty-three, in June, 1815, and with him expired the royal race of Stuarts.

## CHAPTER XII.

SCOTLAND AFTER THE REBELLION; JUDICIAL REFORM; GENERAL IMPROVEMENT; RESTORATION OF THE FORFEITED ESTATES.

ALTHOUGH, no doubt, the suppression of the rebellion of 1745 produced a great amount of present misery and suffering, its final effects were in the highest degree beneficial to Scotland. A very large portion of the highland territory became forfeited by the treason of its owners, and all these forfeited estates were by act of parliament vested in the king, the produce to be applied to the

public use. The opportunity was now seized of effecting an extensive change in the condition of the population of the north, and abolishing the various antiquated customs which had so long stood in the way of improvement. Most of the old feudal tenures were entirely done away with, and the act for disarming the highlanders was now at last rigidly enforced. This was a neces-

sary step towards the abolition of hereditary jurisdictions which followed. The parliamentary resentment against the highlanders ran so high, that another bill was passed, prohibiting, under severe penalties, the use of the highland dress, but this was never strictly carried into effect, and the costume of the highlander has outlived the proscription.

A way was thus cleared for the introduction of the important measure of abolishing the vassalage of servants, and the hereditary jurisdictions. In the course of the session of parliament of 1746, two orders were issued to the court of session, one to prepare the draught of a bill for remedying the inconveniences arising from the several kinds of jurisdictions in Scotland, and for the regular administration of justice there; and the other to inquire what regalities and hereditary sheriffships subsisted there, and what persons were in possession of them; which of these regalities were granted before the act of James II. of Scotland, which annexed to the crown all the regalities in the king's hand, and which of those that had been granted since had been given by consent of parliament. The court of session accordingly took the matter into deliberation, and reported that they did not consider it possible to provide effectually for the regular administration of justice by the king's courts, without taking away various hereditary jurisdictions, which were secured by the articles of the union as rights of property, and therefore ought not to be taken away without due compensation; on account of which they required to be assured that such compensation would be granted before they would undertake to make a draught of a bill, but they offered certain suggestions on the subject. They stated that the original cause of lodging these high jurisdictions in powerful families belonged to a period when the country was so uncivilised, that the crown experienced the greatest difficulty in enforcing the laws and bringing offenders to justice, and was glad to commit the execution of laws to those who were able to enforce them. The highlands had always been and still continued in such a state that no process of law could have free course, and it was necessary to bring the country into subjection to the laws before they could entertain any hope of seeing there a regular administration of justice by the king's courts and judges. If this were first effected, they proposed that

circuit courts should be held once a year at Glasgow, Stirling, Perth, Aberdeen, and Inverness, to which offenders from the highlands and other parts might be brought; and that trial for all crimes inferring loss of limb should be confined to the court of justiciary at Edinburgh, or to the judges in these circuits, leaving the escheats resulting from the convictions to the lords of the respective jurisdictions; that trials for lesser offences should remain with the sheriffs, or, if they were allowed still to try criminal cases, that their judgments should be reported, with a full copy of the trial, to the justice court for approval or commutation; that the sheriffs' court should still have the power of deciding in cases of debt not exceeding two hundred marks Scots, and the jurisdictions possessed by the baronial or bailie court with regard to small debts, trespasses, and petty offences, should be reserved to them; and that the sheriffs and stewards should be appointed responsibly, and have a reasonable salary, instead of having as fees a per centage upon the money decreed for. They stated that, with regard to existing jurisdictions, they found it impossible to make any satisfactory report on account of the confused state of the public records in the record-office.

An act founded upon these suggestions was brought into the house of commons on the 28th of February, 1747. It abolished, after the 20th of March, 1748, all the hereditary jurisdictions of justiciary, regalities, baileries, constabularies (except the office of high-constable of Scotland), sheriffships, deputies, &c., and transferred their powers to the king's courts. A reasonable satisfaction was to be given to the proprietors of these jurisdictions, after their several claims had been examined and settled by the court of session. The baronial jurisdictions which were reserved from the effects of this act, were restricted to assaults, batteries, and lesser crimes, for which the punishment should not exceed a fine of twenty pounds sterling, or three hours in the stocks in the daytime, or a month's imprisonment in case of failure of the payment of the fine. All private dungeons were abolished, and no person was in future to be confined in any place but such as had grates or windows, was entered on the sheriffs' books, and was open to the inspection of the friends of the prisoner. One sheriff-depute, who must be an advocate of not less than three years' standing, was to be appointed for each shire,



by a warrant under the royal sign-manual, during pleasure, for the seven current years, but afterwards *ad vitam aut culpam*; that is, removable only for fault or incapacity, being liable to a summary trial before the court of session for gross misbehaviour or neglect of duty, at the suit of the king's advocate, or of any four or more freeholders entitled to vote in elections. These sheriff-deputes were to have competent salaries, and be allowed to appoint one or more substitutes. The fines and penalties imposed in these courts, which had been a fertile source of extortion and oppression, were abolished.

This act met with violent opposition. Many of the landlords were unwilling to relinquish their power, and they resisted what they called an arbitrary violation of their rights, and what they represented as a breach of the articles of the union. They urged, moreover, that this measure threatened the destruction of the people's liberties, by throwing so much weight of patronage and influence into the hands of the crown. The reply to these objections was an easy one—that in cases like this, private interests must yield to the public good; and of the public good of this measure no one could really be doubtful. It was shown that not only was this act not contrary to the articles of the union, but that it was a case especially provided for by a clause in those articles which stipulated that “no alteration should be made in the laws which concerned private right, except for the evident utility of the subjects, within Scotland.” It was argued, in reply to the other objection, that instead of there being an attack upon the liberties of the people, the crown was interfering to rescue the people from tyranny and oppression, and that the king was uniting with the people to uphold regular government against anarchy. As a proof of this, it was asserted, that in no country in Europe did the people ever attain to any considerable degree of wealth or freedom, until they had been emancipated from such feudal jurisdictions, and until the powers of the great feudal lords were all broken and absorbed in the crown. After long debates, the bill passed the house of commons by a large majority, to meet with new opposition in the lords, where a protest against it was signed by ten peers, and it was remarked as somewhat singular that not one of them was a Scotchman. The sum voted by way of compensation amounted to £152,037 12s. 2d.

Having secured this important act, which the broken condition of the jacobite clans rendered it more easy at this moment to carry out, government proceeded to act with leniency, and to do what it could to salve the sores which had been left by the late rebellion. The parliament passed an act of free pardon for all treasonable or seditious offences committed before the 15th of June. The exceptions to this pardon were—all persons then in the service of the pretender, or in those of France and Spain who had entered after the respective declarations of war; all engaged in the late rebellion who had been beyond seas at any time between the 20th of July, 1745, and the 15th of June, 1747; all attainted or convicted before the latter period; and eighty-five individuals by name, with the clan Macgregor. The royal assent was given to this bill on the 17th of June, by the king in person, who, in a very complimentary speech, prorogued the parliament, preparatory to its dissolution by proclamation next day.

Meanwhile a number of irregularities and anomalies in the internal affairs of Scotland had arisen during the rebellion, and some of them required the interference of the crown to set them right. Among these, one of the most remarkable cases was that of the city of Edinburgh, where the election of municipal officers can only take place legally at Michaelmas. At the Michaelmas of 1745, the capital was in possession of the rebels, and as the legitimate authorities had fled, the day was allowed to pass over without any election. The consequence was, that the city of Edinburgh remained without any municipal government, until, at the usual period of elections in the year following (1746), the burgesses of Edinburgh appointed a committee of their number, who made an application to the king, the result of which appeared in an order of council for a poll election. Each burgh was to give in a list of those he wished to be appointed to fill the different offices to the town-clerk, who were appointed to conduct the business under the superintendence of three judges of the court of session. The polling began on the 24th of November, 1746, and continued to the 26th. A municipal magistracy of true whig principles was elected; while George Drummond, who had performed such an active part in the event in Edinburgh which preceded the occupation of the capital by the rebels, was chosen provost. The choice was approved by the

king, and the new magistrates entered upon their duty on the 3rd of January, 1747.

While Drummond was thus rewarded for his somewhat ostentatious loyalty, his rival, Stuart, had fallen into disgrace for the manner in which he had neglected and abandoned the defence of the capital. When he arrived in London in the November of 1745, he was immediately placed under arrest, and, after undergoing an examination before the privy council, he was committed a prisoner to the Tower. He remained there till the 23rd of January, when he was admitted to bail upon a recognisance to the amount of fifteen thousand pounds sterling, to appear in March before the court of justiciary in Edinburgh. The trial was adjourned from time to time until the 6th of August, when it was entered upon, and the court found "that the panel at the time and place libelled, being then lord provost of the city of Edinburgh, wilfully neglected to pursue, or wilfully opposed or obstructed when proposed by others, such measures as were proper or necessary for the defence of the city against the rebels in the instances libelled, or so much of them as do amount to wilful neglect." In consequence of some informality, the trial was abandoned, and Stuart was brought to the bar on a new indictment on the 26th of October. The trial was long and tedious, but it ended on the 2nd of November in an acquittal. Stuart's friends in the city were numerous, and his acquittal was a matter of no little exultation. They announced their intention of holding a feast to celebrate the event, which gave great offence to the other party. Provost Drummond, having first consulted with the lord justice-clerk, forbade this meeting, which accordingly was not held. A satirical poem on Stuart's acquittal, directed especially against the royal party, but in which Drummond and some of his friends were very pointedly introduced, was printed by a jacobite printer named Robert Drummond, who was apprehended and brought before the city magistrates. They condemned him first to nine days' imprisonment, then to stand in the pillory till the copies of the pamphlet were burnt by the hangman, and afterwards to be imprisoned again until he found security for absenting himself from the city of Edinburgh for a year. The printer appealed against this sentence to the justiciary, on the ground that in a crime which merited so great a penalty he was

entitled to a trial by jury. The plea appears to have been a fair one, but political feelings ran high, and the justiciary refused to interfere. The sentence of the city magistrates was thus confirmed, and it was rigorously inflicted.

At the close of the year 1747, Scotland lost one of her greatest and most distinguished patriots, Duncan Forbes of Culloden. As he had allowed himself to be the slave of no party, he was looked upon with jealousy by most of his brother statesmen, and his services were not appreciated by the government as they deserved. To him Scotland certainly owed most of what was substantial in the reforms and improvements effected during his life, and he was profoundly respected and deeply regretted.

In the new parliament, which met in the November of this year (1747), the ministry had a very decided majority in the house of commons. The only question of any special importance with regard to Scotland was one which was really forced upon the government by the disloyalty of the Scottish episcopal clergy. These not only in general secretly acknowledged the pretender as their king, but their bishops were actually appointed by him, and were received upon his *comgé d'elire*. Their conduct had been such, in 1745 as well as in 1715, that parliament now interfered. In 1646, an act was passed, allowing such of the episcopalian clergy only to officiate as had been ordained by protestant bishops and had taken the oath of allegiance, but the ease with which they nearly all took openly the oath to king George and secretly acted for the pretender was so great, that in the present session it was considered necessary to bring in another act, by which while the oaths were still required, all persons were strictly prohibited from officiating as episcopalian pastors in Scotland, who had not been ordained by a bishop of the protestant church of England or Ireland. This act was violently opposed, and a great cry was got up against it on account of its alleged persecuting spirit; but it was passed and received the royal assent on the 13th of May, 1748. But jacobitism was now decidedly in the wane, and there was little further need of repressive measures. The consequence of the decline of jacobitism was soon seen to be a rapid advance in the prosperity of the country, which appears in the fact that for several successive years, while the Scots were chiefly occupied with the improvement of



their trade and manufactures, scarcely any public measure relating to Scotland alone came before the legislature.

The government itself felt that there was no further necessity for severe measures against those who had been concerned in the rebellion, and they pursued a course of great lenity. All further proceedings against those excepted from the general pardon were remitted to Scotland, and a grand jury under the British treason act (now acted upon in Scotland for the first time) sat in Edinburgh on the 10th of October, 1748. Forty-eight men possessing the due qualifications for grand jurymen were summoned, twenty-four from the county of Edinburgh, twelve from that of Haddington, and twelve from that of Linlithgow, and out of these were chosen twenty-three. Sir John Inglis of Cramond was named foreman, and they all took the oath by kissing the book, according to the English custom. The court consisted of three justiciary lords, of whom the lord justice-clerk, Tinwald (who had succeeded lord Milton), was president. He explained to the grand jury their duties, telling them that the former practice which left the prosecution of those accused of treason to the lord advocate was now abolished, and that this power was now lodged with them, of whom it required the concurrence of twelve to return a true bill. The proceedings lasted a week, and were carried on with the greatest fairness. Out of fifty-five cases, true bills were found in forty-two; and when the lord advocate dismissed the jury, he told them that he had directions not to proceed to any further prosecutions, and intimated that none of the rebels exempted from the act of grace would be troubled by the government for what was past, provided they behaved themselves so as to give no further provocation. Other measures were adopted calculated to conciliate the people in general, or particular bodies. The city of Glasgow had distinguished itself by its loyalty, and had proportionally suffered from the exactions of the rebels, in consideration of which parliament voted it a sum of ten thousand pounds by way of compensation.

The proceedings with regard to the forfeited estates were marked by the same lenity. All claims upon these estates were to be laid before the court of session, and extraordinary ingenuity was displayed in making up fictitious incumbrances, so as

secretly to preserve a large portion of the revenues to the forfeited landlords and proprietors. In spite of the evident fraud of a great number of these claims, the court took the most lenient view of the case, and they were generally allowed. The principal estates upon which the claims were rejected, and the sentence of forfeiture confirmed by the house of lords, were those of the duke of Perth, the earl of Cromarty, lord Lovat, Lochiel, Kinloch-Moidart, Macpherson of Clunie, and one or two others of the chief leaders in the rebellion; and when the question came before the house of lords, in the parliamentary session of 1752, it transpired that the mortgages on these estates, which were given to the crown that their revenues might be expended upon the improvement of the highlands, actually in some cases exceeded the value of the estates, yet the ministers, knowing these to be fraudulent, and made by persons who were merely trustees for the exiled and forfeited rebels, allowed them to pass, and took much of the expense of the improvement in the highlands upon the English budget. This provoked from the duke of Bedford the rather satirical remark, "that if, after having paid ten thousand pounds to Glasgow for the kilts and bonnets furnished to the rebels, and a hundred and fifty-two thousand pounds to the nobility and gentry for heritable jurisdictions, England should now pay more than both these sums put together for planting religion and loyalty in the highlands of Scotland, it would be for the interest of that portion of the kingdom to have frequent rebellions." The act proved, however, in the highest degree beneficial to Scotland. Commissioners, without salaries, were appointed to manage the estates, and to apply the yearly income to the purposes specified in the act—namely, the promotion among the highlands and islands, of the protestant religion, good government, and manufactures. These commissioners were authorised to nominate stewards, with a salary not exceeding five per cent. of the rental, as well as clerks and other officers also with salaries. They were to grant leases for any term not exceeding twenty-one years, at not less than three-fourths of the real annual value, and not above twenty pounds a-year to any one person, except in the cases of mines and fisheries. The lessee was required to be resident, and he was not allowed to underlet or assign the land.

In the south the improvement of the country was advancing with great rapidity. The establishment of banks and commercial companies showed that money was beginning to flow into Scotland, and it was already widely employed in the improvement of agriculture, while the extensive establishment of turnpike-roads facilitated the conveyance of the produce of the land to distant markets. The sudden increase in the foreign commerce of Scotland is proved by the significant fact that, in 1744 (the year before the rebellion), the tonnage of ships belonging to Leith amounted to only two thousand two hundred and eighty-five tons, and that in 1752 it had increased to the comparatively large amount of five thousand seven hundred and three tons. Several new branches of manufacture were now introduced into Scotland with great success; and the amount of the sale of linen, which still continued to be a staple manufacture, had increased during the period just mentioned by more than half a million sterling. Whatever temporary injury the city of Edinburgh may have suffered in the rebellion, it had been abundantly repaid in the flourishing state at which it had now arrived, and it was in this year of 1752 that those improvements began which have made it one of the handsomest cities in the world. Committees were formed for drawing up plans for these improvements, and procuring an act of parliament for carrying them out. Glasgow at the same time was just entering upon that course of advancement in manufactures and trade which has since raised it to such a high pitch of commercial importance. It must not be forgotten that at this very moment, this city had become the centre of improvement in printing and type-founding, and that the Foulises of Glasgow were perhaps the best printers in Europe.

Meanwhile the attempt to civilise the north was not received very contentedly by the population of the mountains, who looked upon it as a cruel and oppressive stretch of authority to make such crimes as sheep-stealing and cattle-lifting offences punishable by the law, and they were inclined to offer any kind of resistance they could to the measures of the commissioners for the management of the forfeited estates. In the course of the year 1752, Colin Campbell of Glenmore, having been appointed factor on the forfeited estates of Ardsliel, Mamore and Callart, proceeded, according to the direc-

tions given him from the exchequer, to remove from their estates the chief tenants who had been actively engaged in the rebellion. In the month of May, as Campbell was passing on horseback through a wood in Argyleshire, in company with Mungo Campbell (a writer in Edinburgh) and Donald Kennedy, a sheriffs' officer, and attended by one servant, he was killed by a treacherous shot from behind a tree. There appears to have been little doubt on people's minds that this murder was perpetrated by one Allan Breck Stuart, who had fought in Charles's army at the battle of Culloden, and had twice entered the service of France, but who was now on a visit to his native land; and report gave him for his accomplice James Stuart of Aucharn, a natural brother of Charles Stuart of Ardsliel, who had been removed from his farm. The first of these individuals had made his escape to France, but Stuart of Aucharn was taken and thrown into prison a few days after the perpetration of the offence. He was tried before the court at Inverary, and, upon mere circumstantial evidence, and that not of the most convincing kind, he was found guilty, and sentenced to be hung in chains. Stuart protested his innocence to the last, and many gave credit to his protestations; in consequence of which, the whole affair, made the worst of by the secret opponents of the government, caused a great sensation at the time. Many looked upon the sufferer as a mere victim to the ancient feud between the Campbells and the Stuarts, and some colouring was given to this allegation by the circumstance that eleven of the jury who found him guilty were Campbells, and that the chief judge of the court which pronounced his sentence was the duke of Argyle, the head of the Campbells. Another of the staunch jacobites, Lochiel's brother, Dr. Cameron, made his way back secretly to Scotland, for the purpose, as he pretended, to try and rescue some portion of the estates of his family; but he was arrested, and carried to London, where he was arraigned upon the act of attainder, and, in spite of great intercession for his life, he was brought to the scaffold. This act of severity brought some temporary obloquy on the government, who were unwilling, for political considerations which were important at that moment, to make public the real cause of Dr. Cameron's death, which was the accurate knowledge they had that he had come to Scotland to



take advantage of the discontent caused by the attempt to civilise the highlanders, to excite them to a new rebellion, and that he carried with him an offer from the king of Prussia to furnish them with arms.

But soon after this the restless energies of the highlanders began to be called off in a new direction, for the extensive foreign wars in which England soon afterwards became engaged, furnished abundant employment for the military spirit with which the young highland chiefs were still so deeply imbued. Enlisting was carried on very extensively in Scotland, but at first the outrages committed by the press-gangs caused much popular dissatisfaction, and in some cases led to serious riots. Gradually, however, these irregularities gave way to a better system, and William Pitt (afterwards earl of Chatham) put the healing hand to the whole. He saw how admirably adapted the highlanders were for the warfare which was then going on in America against the French and their Indian allies, and soon after he took office two highland regiments were ordered to be raised, and with great wisdom he chose for their officers almost solely men who had served in the rebel army. One of the two regiments was composed almost entirely of Frasers, and the command of it was given to Simon Fraser, the eldest son of the lord Lovat who had been executed. Archibald Montgomery, brother of the earl of Eglintoun, was appointed lieutenant-colonel of the other; and both these officers subsequently rose to high distinction in the British army.

During the years which followed, some of the forfeited estates having been sold to adventurers who speculated upon mining operations, had to be resold, and were eventually purchased on advantageous terms by the heirs of the original proprietors. This, however, was but a small step in the progress of restoration; and it was reserved for the ministry of the younger Pitt, when Dundas had the management of Scottish affairs, to heal finally the sore of jacobite rebellion. The men who now represented in blood the old jacobites, had long served their country well and loyally, and it was contended that the time was come when they ought no longer to suffer for the errors of their fathers or of their own younger and

less experienced years. Dundas brought forward his measure of restitution in 1784, and it was supported by the whigs as well as the tories, and passed the house of commons without any difference of opinion. It passed the house of lords by a large majority, although strongly opposed by the lord chancellor Thurlow, who urged that the tendency of this measure was to lessen the weight of the penalty of treason. The estates were restored, subject to the debts due when they were forfeited, and the money which thus went to the government was again chiefly expended in improvements in Scotland. Fifteen thousand pounds were applied to the building of a public record-office, and fifty thousand were given for the completion of the grand canal between the Forth and the Clyde.

After the suppression of the rebellion of 1745 and 1746, Scotland ceased to have a political history of her own, and became integrally a portion of the British empire, sharing in its prosperity, and having no separate interest in any reverses which might fall upon it. From the commencement of the present century, there are in fact no events of a merely political nature for the historian of Scotland to relate. One of her chief remaining abuses, the corruptions of the municipal governments, was finally corrected by the bill for the reform of the Scottish boroughs in 1833. But still Scotland has retained one element of separate and independent existence in her church, the divisions of which have assumed of late years an unusual importance. It has not been our design to write the ecclesiastical history of the kingdom, and we have only given it a prominent place when at times the church has become either the paramount political power, or when at least it has been the pivot on which the whole political history of Scotland turned; but, although it has now long ceased to possess the political position it formerly held, the history of Scotland could hardly be concluded appropriately without a sketch of the vicissitudes of the kirk since the time of the rebellion, especially as they have led recently to events which have brought the church of Scotland more prominently than usual before the public, and which have been certainly of great national importance.

## CHAPTER XIII.

### THE SCOTTISH CHURCH, FROM THE REBELLION TO THE PRESENT TIME.

THE presbyterians had been deeply interested in the fate of the rebellion of 1745, and it had produced a partial cessation of the disputes which had agitated the assembly. Two distinct parties had sprung up in the church since the revolution of 1688, and had become more and more widely separated; these were the rigid presbyterians of the old Calvinistic school, and those who were now called the moderates, who had originated partly, if not chiefly, in the episcopalian clergy who were allowed to retain their benefices, and who, for their alleged spirit of subserviency to the civil government and power, were accused of leading the church into Erastianism. The grand point of dispute between them was the law of patronage, which had been introduced in rather an imperfect form in the latter part of the reign of queen Anne. The civil courts now always protected the rights of patrons with regard to presentation to the revenues of a parish, while the power of confirmation and of authorising to preach was still left to the assembly. The consequence was, that in any particular case the general assembly might place in a parish a minister contrary to the wish of the patron, but the patron might deprive him of the fruits of the benefice, and retain them to be applied in other ways to pious purposes within the parish. When, however, the moderate party was in a majority in the general assembly, that body almost always accepted and confirmed the presentation of the patron; but some of the presbyteries, where the moderate party was in the minority, resisted the judgment of the general assembly, and made settlements, as they termed it, in parishes contrary to the will of the patron. Such cases gave rise to disputes which, joined with a natural jealousy of the strict presbyterians to the leaning of the moderate party to Arminianism, led to the secession already described. This secession was an indiscreet measure, because it not only divided the evangelical party, but it left the general assembly, or, in other words, the executive government of the church more than ever in the hands of the moderates.

In the year 1747, the seceders quarrelled

among themselves. While the general assembly met as usual, the seceders now held an opposition assembly, or high court or synod; for their numbers had increased considerably. At this meeting, the question of oaths not imposed by government, and especially of those taken in the municipal corporations, was agitated, and the following clause in the oath of some of the burghs was warmly debated:—"I profess and allow with my heart the true religion presently professed within this realm, and authorised by the laws thereof; I shall abide at and defend the same to my life's end, renouncing the Roman religion called papistry." Moncrieff and the original and more violent seceders, held that the terms of this oath included all the modern corruptions in their church, and that those who took it bound themselves to support the party of the general assembly, which they the seceders now disowned, and to oppose the secession. Others held that the words in question implied simply the pure presbyterian church of Scotland, and that they contained nothing objectionable. As the two parties were nearly equal in number, the dispute was carried on with great bitterness, and they were soon known by the distinguishing titles of *burghers*, or those who defended the clause in the oath, and *anti-burghers*, or those who condemned it. The burghers, who seem to have shown a greater spirit of moderation than their opponents, made several attempts at reconciliation, but their opponents would listen to no other terms than a simple confession of their error and a humble expression of repentance; and at last the anti-burghers withdrew from their brethren, and held a separate synod, so that two hostile standards were already raised within their little camp.

The alarm which the secession had at first created among the moderates themselves, and the wish of many of these to yield so far as to leave a door open for the return of their dissenting brethren, restored for a few years what was called the "evangelical influence" in the general assembly; but moderation was gaining strength behind the curtain; and soon after the suppression of the rebellion, its influence became firmly



established. This result has been attributed partly, if not principally, to the talents of a man who has since thrown lustre on his country by his historical writings, the celebrated Dr. Robertson. It was assisted, however, by a new feeling which was arising in the church itself, or rather by a gradual change which had been taking place in the character and temper of its ministers. So many new fields of exertion had now been opened to the middle and higher classes of society in Scotland, that the small stipends of the ministry offered few attractions, and they were left as objects of ambition to people in the ordinary and lower ranks of life, whose chief aim was to obtain by them the rank and influence of gentlemen, which they could hardly expect to do in any other way. "When one minister dies," said a Scottish member in the course of the subsequent debates in the house of commons, "at least three young men are licensed; the reason of this seems to be, that mean people, out of vanity, because some of their relations are ministers, will educate a son in this way, to push him into a rank in the world above his birth and condition. And to effectuate this, all his acquaintances are teased with constant solicitations to procure a bursary (*a purse*) for this hopeful boy, because his parents are not able to give him such an education. This bursary serves him for bread, and mean bread it is, during his four years' attendance at the university; and then another must be procured to maintain him other four years at the divinity hall. After this, and perhaps sooner, they get into some family as chaplain or tutor to a young gentleman. So many as can procure business of this kind are in a fair way of success; but many are forced to take up with a private family, or an old widow gentlewoman, and serve her as chaplain for his diet; and by assisting a few boys at public schools to get their lessons, pick up as much as keep them in clothes. What can be expected from such a poor education, and so low a way of life?" This class of men, in fact, who had sought the ministry for its secular respectability, and who therefore valued especially the stipends which should support that respectability, were more likely to join with the moderates, who were in favour with the government, than with their opponents, and they naturally swelled the ranks of that party of which Robertson was now acknowledged as a chief leader.

It was a very natural consequence of the

circumstance just noticed, that the question which chiefly occupied the attention of the assembly at the time of which we are now speaking, was that of obtaining an increase in the stipends of the ministers. This question had been agitated before the rebellion, and after that event the general assembly, pleading the loyalty of the presbyterian clergy during that critical period, determined on pressing their claims upon the government. They hit, however, upon a plan which raised opposition in a class whom the government were by no means desirous of offending—the Scottish landholders; because it would have been virtually an additional tax upon their lands. Yet the assembly persisted in their plan; and in their meeting in 1750 they determined to make a formal application to parliament, and appointed commissioners for that purpose, who repaired to London and presented a memorial, in which they very injudiciously represented those who opposed the measure as persons disaffected to the Hanoverian government. The result was what might be expected—namely, the failure of the application, and the members of the general assembly soon saw and corrected their error of placing themselves in a position of antagonism to the landed interest. In fact, the increase in national prosperity and wealth was rapidly undermining what remained of the political power of the church.

In this state of affairs, young men distinguished more for their oratorical talents and for their political knowledge, than for anything like rigid presbyterianism, were taking the lead in general assembly, and were ensuring the triumph of moderate principles. Robertson, who proclaimed himself a zealous advocate of the law of patronage, made his first speech on ecclesiastical affairs in 1751, when he advocated coercive measures against a minister put in a benefice in opposition to the patron, but was in the minority. He was then thirty years of age, and his eloquence is said to have contributed largely to the revolution which had taken place between this time and the assembly in the following year, when the moderate party, who were in favour of lay patronage, completely triumphed. The case in which this triumph was effected, was one which has since held a rather prominent place in Scottish church history. A Mr. Andrew Richardson had been presented by its patron to the parish of Inverkeithing, on the coast of Fife, and the

commissioner of the assembly had enjoined the presbytery of Dunfermline, under a threat of severe censure, to admit him on the third Monday in January, 1752. The parishioners, it appears, were unanimous in their opposition to the presentee, and, as two members of the presbytery appealed, and several members of the commission dissented, the injunction was not carried into effect. Thereupon, the patron and some non-resident heritors petitioned the commission against the presbytery. An attempt was made to transfer the question to the next general assembly, but it was decided that the commissioner had all the powers required to decide on the matter and carry its decision into effect. They appointed the synod of Fife to adjourn their next meeting to Inverkeithing, in order to settle Andrew Richardson there before the 1st of May. It was carried, however, against the moderates, that no censure should be inflicted on the presbytery of Dunfermline. The moderate party were extremely displeased at this decision, and they published their reasons of dissent, which were said to have been drawn up by Dr. Robertson. In these they urged that the impunity with which the disobedience of the presbytery of Dunfermline was allowed to pass, was calculated to destroy the basis of all society and government, and particularly of the subordination of judicatories in presbytery, which required unqualified submission from the inferior courts to the decisions of the supreme courts, especially in matters of discipline. A reply to these reasons was published by the other party, and, as the synod of Fife refused obedience to the commission, the whole affair was brought before the general assembly which met in the month of May in the year 1752. The king's commissioner to this assembly, the earl of Leven, in his opening address, pressed upon the assembly the necessity of enforcing obedience to the inferior courts; and, after due debate, it was voted by a majority of a hundred and two to fifty-six that the presbytery of Dunfermline should be enjoined to proceed to Inverkeithing, and there admit Mr. Richardson on the following Thursday, that six should on this occasion form a quorum instead of three, and that the ministers of the presbytery should appear before the assembly at mid-day on Friday, and give a report on what they had done. They appeared at the appointed time, and stated that only three ministers of the presbytery had at-

tended, and that, as those did not form a quorum, they could proceed no further. The ministers of the presbytery were now summoned to explain their non-attendance, and most of them gave excuses which were accepted, but six of them stood forward and pleaded conscientious scruples. The moderates pleaded earnestly for the necessity of enforcing unconditional obedience, and they were not only triumphant in establishing this principle, but it was voted that one of the six conscientious scruplers should be deposed as an example to the rest. The person finally selected for punishment was Mr. Thomas Gillespie, minister of Carnock, one of the most respectable ministers in the Scottish church. He submitted to the sentence of the assembly without a murmur, and quitting his benefice, went to Dunfermline, where he continued to officiate in an independent chapel. Gillespie himself showed no wish to form a dissenting party in the church, but one or two persons subsequently joined him, and eventually formed a new secession from the church which was afterwards known by the title of the *relief presbytery*.

These struggles were followed by a general feeling of indifference to church affairs, from which people were only aroused by an attempt in the English parliament, in 1778, to obtain a bill for the relief of the Roman catholics, which was generally unpopular throughout the island. At the general assembly, which was sitting in Edinburgh at the time this bill was in progress, Dr. Gillies, one of the ministers of Glasgow, inquired of the lord advocate if the bill was to extend to Scotland, and was informed in reply to his question, that the present bill was merely for England, but that a bill might be brought forward at a future period to extend the principle to Scotland. A motion was then made, that the commission of the assembly should be instructed to watch over the interests of the protestant religion, and to do what they should think fit to quiet the apprehensions of the public. This motion was opposed by Dr. Robertson, who said that his acquaintance with society was as extensive as that of most gentlemen in the assembly, and "he could not find that any alarm had been taken." The motion was rejected by a very large majority, but a protest was made by Dr. Gillies and some of his supporters. The people of Scotland were in general dissatisfied with the moderate party, whom they accused of indifference



to religion, and of betraying the national church; and the rejection of the motion of Dr. Gillies caused a great popular irritation. Protestant associations were formed, and published violent resolutions against popery; most of the local synods made alarming statements of its increase; and petitions on the subject were sent in great numbers from all parts of the country. The agitation went on increasing during the rest of the year, and was continued into the year following (1779.) On the 31st of January, in this last-mentioned year, a letter was dropped in Edinburgh, pointing out a place in Leith Wynd, the residence of the bishop, as being secretly occupied by a popish chapel, and inviting the populace to destroy it. The evil effect of this incendiary paper was but too well calculated, for a numerous mob assembled, set the city authorities at defiance, and burnt the Roman catholic chapel to the ground. Next day they destroyed several other houses where catholic priests were understood to lodge, and plundered the shops of several known or reputed papists. It was proposed at night to visit the house of Dr. Robertson in the same manner, but fortunately for him some troops of dragoons arrived in time for his protection. Similar outrages were perpetrated in Glasgow, but in neither city was any personal injury inflicted. It was soon afterwards announced that there was no intention on the part of the government to bring forward any bill for relief to the catholics in Scotland, and at the next general assembly a resolution was passed against indulgence to popery, which did more than anything else towards calming the public mind on this subject.

The liberality, however, or free opinions, of the moderate party in the church of Scotland increased so much, with the consciousness of power, that at length it was proposed, in 1781, to lay aside the confession of faith. The danger of such a measure was evident to all who had the interests of the church of Scotland at heart, and finding that a great number of his party were so urgent on this point that it was impossible for him to avoid it, Robertson suddenly and unexpectedly resigned his position as its leader, in which he was succeeded by Dr. Hill, principal of the university of St. Andrews, who was looked upon by the evangelicals as a man of more sincere piety than Dr. Robertson, but they said that he had

not the resolution to steer against the current of moderatism. Towards the end of the century, however, the current began to turn, and, partly from the returning favour of government, and partly through the earnest and able advocacy of men like Dr. Erskine, sir Henry Moncrieff, and Dr. Andrew Thomson, the evangelical party gradually gained the upper hand in the assembly, and finally a new life was given to it, after 1815, by the energy and talents of the celebrated Dr. Thomas Chalmers, while people's attention was extensively carried back again and fixed on the examples and doctrines of the earlier Scottish reformers by the writings of Dr. M'Crie and others.

The old question of patronage now soon again came under discussion. The general assembly of 1826 was occupied with a warm discussion on the subject of pluralism, more especially with regard to the union of the pastoral and professorial offices, the latter, it was alleged, being a check upon the due performance of the former. Dr. Chalmers, on this occasion, warmly opposed this union of offices, as being a hindrance to the efficient working of the church, but it was supported by the moderate party; and Hope, the lord president of the court of session, who was a member of that assembly, stated his opinion, that even if it were expedient to abolish pluralities, the church had not, by the law which regulated her relation to the state, the power of abolishing them, but that it must be done by parliament. This opinion, coming from the highest law authority in the land, caused a great sensation among the evangelical party, who had always in principle repudiated the supremacy of the civil power over the ecclesiastical. They contented themselves, however, with strongly declaring their dissent from the opinions of the president of session, and the question was no further agitated for the present. The church went on quietly again for a few years, until, in the general assembly of 1833, the great question of patronage was again agitated.

This question was first brought forward in a comparatively partial measure, the restoring its ancient force to the practice of the call, or invitation from the congregation to the minister, which was still preserved, though it had degenerated into a mere form. The design, of course, in reviving this, was to paralyse the absolute power of the patron. The process of filling a vacant parish in the church of Scotland was as

follows:—When the vacancy was known, the patron issued his presentation in favour of his nominee, in the form of a document in which he requested the presbytery within the jurisdiction of which the vacant parish lay, “to take trial of the qualifications, literature, good life, and conversation,” of the minister thus presented, and of “his fitness and qualifications for the functions of the ministry, at the church to which he was presented.” The first act of the presbytery was to send the presentee to the vacant parish, where he was to conduct public worship and preach on one or more sabbaths, so that “the people might have trial of his gifts for their edification.” The presbytery held a meeting, pursuant to notice given publicly from the pulpit of the vacant parish at least ten days before, to learn whether the parishioners approved of the person who had been sent for trial and wished to have him as their minister, which must be given in writing and signed. This document was termed the “call,” and was addressed to the presentee. Upon this call the further proceedings were founded. This call had become a mere formality, which exercised no kind of influence upon the presentation to the parish, but the evangelical party determined to restore it to its ancient character, and they resolved further to do this without any reference to the civil power. Various ways were proposed as to the best mode of rendering this call efficient, and at the same time evading any collision with the civil courts, and it was decided at last that this should be done by a sort of negative measure, according to which the dissent of a majority of the congregation should bar the settlement. This was termed the “veto.” After having been rejected in the general assembly of 1832, the plan of the veto was introduced into that of 1833 by Dr. Chalmers, and seconded by lord Moncrieff. Dr. Chalmers’ motion was for a declaration of the assembly, “that the dissent of a majority of the male heads of families, resident within the parish, being members of the congregation and in communion with the church at least two years previous to the day of moderation (*i.e.*, of the call), whether such dissent shall be expressed with or without the assignment of reasons, ought to be of conclusive effect in setting aside the presentee (under the patron’s nomination), save and except where it is clearly established by the patron, presentee, or any of the minority, that the said

dissent is founded in corrupt and malicious combination, or not truly founded on any objections personal to the presentee in regard to his ministerial gifts and qualifications, either in general or with reference to that particular parish.” The motion was opposed by Dr. Cook, professor of moral philosophy at St. Andrews, who was now the leader of the moderate party in the assembly, and after a long and warm debate, it was thrown out by a hundred and forty-nine voices against a hundred and thirty-seven, so nearly were the two parties balanced in the assembly at this time.

In the interval between this and the next general assembly, the question of the veto was a subject of great agitation, and its advocates, in the assembly at least, had increased in number. Dr. Chalmers was not a member of this assembly, and therefore, in his unavoidable absence, lord Moncrieff brought it forward on Tuesday, the 27th of May, 1834, in a motion which, differing in words, was the same in substance as that of Dr. Chalmers in the preceding year. It was again warmly opposed, and on the same principles as before—namely, that it was an unnecessary measure, as the church had always had the right of rejecting the presentee if he was found to be not duly qualified; that it was only taking this right out of the hands of the few to give it to the many; and that it would leave a door open to unfair and vexatious objections to individuals, inasmuch as the parishioners were not required even to state their reasons for dissent. The moderate party, however, seem now to have felt their weakness in numbers, and they met the proposal by an amendment containing a counter-project of a veto of their own, which was led by Dr. Mearns, professor of divinity in the university of Aberdeen, and seconded by Dr. Cook. It was simply the adoption of the recommendation of a committee appointed in the previous year. The debate was again long and warm, but the evangelical party was this time triumphant, and lord Moncrieff’s motion was carried by a hundred and eighty voices against a hundred and thirty-eight. An act of assembly was subsequently passed, though not without great opposition, to give chapels of ease the same position as parish churches, and to make their pastors equally capable of holding ecclesiastical office and rule, in presbyteries, synods, or assemblies.

Very few weeks passed over, before a



case occurred which opened the whole question of the rival claims of the civil and ecclesiastical jurisdictions. The minister of Auchterarder, a parish in the southern part of the shire of Perth, died in the month of August, 1834, and, according to the law, the patron, who was in this parish the earl of Kinnoul, was to nominate a successor within six months, or he forfeited his right of presentation for that time. The choice of the earl of Kinnoul fell upon a licentiate of the church named Robert Young, who is not stated to have been wanting in any of the necessary qualifications, and the deed of presentation was laid before the presbytery on the 14th of October, and was referred to the next meeting, which took place on the 27th of the same month. It was then resolved to proceed upon the new orders of the general assembly with regard to the call, and the presbytery appointed Mr. Young, according to usage, to preach in the parish of Auchterarder, so that the congregation might judge of his qualifications; which he did on two several sabbaths. A day was then fixed for receiving the call, and the presbytery met in the church of Auchterarder in presence of the congregation. When the call was given in, it was signed only by three individuals, two of whom only belonged to the parish. This, according to the manner in which the settling of a parish had been carried on for the last hundred years, would have been taken as sufficient, and Young would have been ordained to the benefice; but, in accordance with the new order, the presbytery called upon those who dissented to the presentation of Mr. Young, and nearly every head of a family in the parish came forward—out of three hundred and thirty persons entitled to exercise the privilege, no less than two hundred and eighty-seven gave in their names as dissentients. No reason whatever appears to have been asked or given for this universal dissent; but the presbytery referred, for advice, first to the synod of Perth and Stirling, and then to the general assembly. Having by both been confirmed in the course they were to pursue, the presbytery met again in the church of Auchterarder, and there proclaimed that they did “now reject Mr. Young, the presentee to Auchterarder, so far as regards the particular presentation on their table, and the occasion of this vacancy in the parish of Auchterarder, and do forthwith direct their clerk to give notice

of this their determination to the patron, the presentee, and the elders of the parish of Auchterarder.” Mr. Young’s agent, who was present, protested and appealed to the next synod of Perth and Stirling.

There can be no doubt that the synod would have confirmed its previous judgment in the matter, but before it met it had been resolved to bring the case before a civil court. It appears to have been considered that this was a direct blow at the right of patronage itself, and it can hardly be denied that if the presentation could be resisted and set aside in this manner, without any cause of dissatisfaction against the person of the presentee being required to be given, the church might at any time combine and set the law at defiance, and trample upon the rights of the patron. The counsel for Mr. Young and the earl of Kinnoul was Mr. Hope, dean of the family, who had warmly opposed the veto in the general assembly, and who, from the attention he had given to the subject was supposed to know it better than any other advocate; and the summons, as it was finally put in to the court of session, placed the question on the ground that the presbytery ought themselves to have examined into Mr. Young’s qualifications, and formed a just judgment upon them, in strict accordance with which they ought to have ordained him to the parish or rejected him, instead of sacrificing him to the unmotivated refusal of the parishioners. The plaintiffs asked the civil court to give judgment, “that the presbytery of Auchterarder, and the individual members thereof, as the only legal and competent court to that effect by law constituted, were bound and astricted to make trial of the qualifications of the pursuer, and are still bound so to do; and if in their judgment, after due trial and examination, the pursuer is found qualified, the said presbytery are bound and astricted to receive and admit the pursuer as minister of the church and parish of Auchterarder, according to law. That the rejection of the pursuer by the presbytery, as presentee aforesaid, without making trial of his qualifications in competent and legal form, and without any objections having been stated to his qualifications, or against his admission as a minister of the church and parish of Auchterarder, and expressly on the ground that the said presbytery cannot and ought not to do so, in respect of a veto of the parishioners, was illegal and injurious to the

patrimonial rights of the pursuer, and contrary to the provisions of the statutes and laws libelled."

It was not till the 21st of November, 1837, that the pleadings in this important case began before the court of session; they were concluded on the 12th of November: on the 27th of February, 1838, the bench began to deliver their judicial opinions; and the sentence of that court was given on the 8th of March. It would be quite out of place here to enter into the pleadings of this long and intricate case, and it will be sufficient to say that eight out of the thirteen judges agreed in the following judgment:—"The lords of the first division having considered the cases for the earl of Kinnoul and the Rev. Robert Young, and for the presbytery of Auchterarder, with the record and productions, and additional plea in defence admitted to the record, and heard counsel for the said parties at great length, in presence of the judges of the second division, and lords ordinary,—and having heard the opinions of the said judges, they, in terms of the opinion of the majority of the judges, repel the objections to the jurisdiction of the court, and to the competency of the action as directed against the presbytery; further repel the plea in defence of acquiescence; find that the earl of Kinnoul has legally, validly, and effectually exercised his right as patron of the church and parish of Auchterarder, by presenting the pursuer, the said Robert Young, to the said church and parish; find that the defenders—the presbytery of Auchterarder—did refuse, and continue to refuse, to take trial of the qualifications of the said Robert Young, and have rejected him as presentee to the said church and parish, on the sole ground (as they admit on the record) that a majority of the male heads of families, communicants in the said parish, have dissented, without any reason assigned, from his admission as minister; find that the said presbytery, in so doing, have acted to the hurt and prejudice of the said pursuers, illegally, and in violation of their duty, and contrary to the provisions of certain statutes libelled on; and, in particular, contrary to the provisions of the statute of 10 Anne, c. 12, entitled 'an act to restore patrons to their ancient rights of presenting ministers to the churches vacant in that part of Great Britain called Scotland;' in so far repel the defences stated on the part of the presbytery, and decern

and declare accordingly, and allow the above decree to go out, and be extracted as an interim decree; and with these findings and declarations, remit the process to the lord ordinary to proceed further therein, as he shall see just."

The case of Auchterarder had now expanded into the much greater question of the independence of the church courts in matters purely ecclesiastical of all civil jurisdiction. The advocates of the church had asserted this independence so broadly before the court of session, that they declared that even if the church court did wrong, and in whatever degree, the civil power had no right to interfere to make it do right; in fact, that the church authorities were alone competent to judge whether they themselves did right or wrong. It was generally known that the evangelical party in the church did not intend to bow to the decision of the court of session, and addresses were procured from the various inferior courts to the general assembly, praying that venerable body to adopt measures for vindicating the church's rights. Meanwhile, Mr. Young, after the decision of the court of session was known, returned to the presbytery of Auchterarder, and demanded to be taken on trial; and, when the presbytery evaded his demand by referring the matter to the synod, he delivered in a notarial protest, by which he held the members of the presbytery, conjointly and severally, liable to him in damages for their refusal. The assembly met on the 23rd of May, 1838, and was chiefly occupied by this important question. A hundred and eighty-three voices against a hundred and forty-two, passed a resolution, "That the general assembly of this church, while they unqualifiedly acknowledge the exclusive jurisdiction of the civil courts, in regard to the civil rights and emoluments secured by law to the church, and the ministers thereof, and will ever give and inculcate obedience to their decisions thereanent; do resolve, that as it is declared in the confession of faith of this national established church that 'the Lord Jesus Christ is king and head of the church, and hath therein appointed a government in the hand of church officers distinct from the civil magistrate,' and that in all matters touching the doctrine, government, and discipline of the church, her judicatories possess an exclusive jurisdiction, founded on the word of God, which 'power ecclesiastical,' in the words of the second book of discipline, 'flows from



God and the mediator Jesus Christ, and is spiritual, not having a temporal head on earth, but only Christ, the spiritual king and governor of his kirk.' And they do further resolve, that this spiritual jurisdiction, and the supremacy and sole headship of the Lord Jesus Christ, on which it depends, they will assert and at all hazards defend, by the help and blessing of the great God who, in the days of old, enabled their fathers, amid manifold persecutions, to maintain a testimony even to the death, for Christ's kingdom and crown. And finally, that they will firmly enforce obedience upon all office-bearers and members of this church, by the execution of her laws, in the exercise of the ecclesiastical authority wherewith they are invested." This resolution having passed, next day the assembly received an appeal from the synod at Perth and Stirling, which, having been applied to by the presbytery of Auchterarder for advice on the demand and protest of Dr. Young, referred these, with the judgment of the court of session, to the superior court of the general assembly. Without much debate, the assembly resolved to appeal to the house of lords against the judgment of the court of session. They next proceeded to consider what punishment should be inflicted on Mr. Young, for the wanton outrage he was alleged to have committed on the church in threatening the presbytery of Auchterarder with damages. No sooner, however, was this question started than Mr. Whigham, who had been junior counsel for the plaintiff before the court of session, stated that Mr. Young had acted under the direction of his legal advisers. The assembly refused to allow anybody to stand between themselves and one of their licentiates, and Mr. Young was cited to appear at the bar of the assembly, where on the 28th of May he presented himself, accompanied by his senior counsel, the dean of faculty, who stated that Mr. Young had acted under his directions, for the purpose of protecting his interests in the pending law-suit.

The appeal of the general assembly was brought forward in the house of lords on the 18th of March, 1839, and counsel was heard on both sides. Judgment was not given till the 2nd of May, and then it was decided that the appeal should be rejected, and the sentence of the court of session confirmed, lord Cottenham (the chancellor) and lord Brougham delivering their judicial opinions at considerable length. A fortnight after,

on the 16th of May, the general assembly met, and, after a fruitless attempt by Dr. Muir of Edinburgh to effect a conciliation between the two parties, Dr. Cook, the leader of the moderate party, came forward to propose to yield the point in dispute, and accept the decision of the house of lords. "It appears to me," he said, "that the veto act is not an act of the church; it is altogether a nullity: the church was acting under error—she did that which she supposed she was competent to do; but it is now found that she was not competent, and the act falls to be considered as no act of the church at all. This being the case, there is no occasion, in my estimation, to send down this act to be repealed, to the different presbyteries. We had not the power to pass it; we cannot have the power to repeal it; it is an absurdity, and therefore, in my opinion, it falls to the ground altogether." He was followed by Dr. Chalmers, who in an address distinguished by his usual talents, took his stand on the highest notions of ecclesiastical independence. Dr. Chalmers concluded by moving the following resolution, which merely left to the patron the emoluments of the benefice, but declared the unabated resolution of the assembly to defend its claim to independence from the civil courts in strictly ecclesiastical matters. "The general assembly having heard the report of the procurator on the Auchterarder case, and considered the judgment of the house of lords, affirming the decision of the court of session, and being satisfied that, by the said judgment, all questions of civil right, so far as the presbytery of Auchterarder is concerned, are substantially decided, do now, in conformity with the uniform practice of this church, and with the resolution of last general assembly, ever to give and inculcate implicit obedience to the decisions of civil courts, in regard to the civil rights and emoluments secured by law to the church, instruct the said presbytery to offer no further resistance to the claims of Mr. Young, or of the patron, to the emoluments of the benefice of Auchterarder, and to refrain from claiming the *jus devolutum*, or any other civil right or privilege connected with the said benefice. And whereas the principle of non-intrusion is one coeval with the reformed kirk of Scotland, and forms an integral part of its constitution, embodied in its standards and declared in various acts of assembly, the general assembly resolves

that this principle cannot be abandoned, and that no presentee shall be forced upon any parish contrary to the will of the congregation. And whereas, by the decision above referred to, it appears that when this principle is carried into effect in any parish, the legal provision for the sustentation of the ministry in that parish may be thereby suspended, the general assembly being deeply impressed with the unhappy consequences which must arise from any collision between the civil and ecclesiastical authorities, and holding it to be their duty to use every means in their power, not involving any dereliction of the principles and fundamental laws of their church constitution, to prevent such unfortunate results, do therefore appoint a committee for the purpose of considering in what way the privileges of the national establishment, and the harmony between church and state, may remain unimpaired, with instructions to confer with the government of the country if they see cause." This resolution was carried by two hundred and four voices against a hundred and fifty-five for Dr. Cook's motion, and by a hundred and ninety-seven voices against a hundred and sixty-one for the intermediate proposition of Dr. Muir. In accordance with Dr. Chalmers' resolution, a committee was appointed, known as the "non-intrusion committee," which at first included most of the leading men of the assembly of all parties; but when the names were announced, Dr. Cook refused to serve upon it, and his example was imitated by lord Dalhousie, who not only withdrew from the committee, but desired his name to be withdrawn also from among the members of the assembly, alleging, as his reason for withdrawing, that he would "not form part of the governing body of an established church which, with no invasion by the state of any of her holy and inherent rights, in defence of no sacred principle, but for a matter of mere ecclesiastical polity, has set herself up in an attitude,—for so it is, gloss it as you will,—in an attitude of dogged defiance, of virtual disobedience to the declared law of the land."

Soon after the close of the assembly, the committee thus appointed sent a deputation to London to confer with the government, then directed by lord Melbourne, who appears, if he did not actually listen to them with favour, at least to have shown a most conciliatory spirit. In their report, which was read to the commission of the

assembly by Dr. Chalmers, the committee said:—"We can state our having received the assurance of the government that they were fully impressed with the importance of the subject, and would give it their utmost serious consideration, and that they would give instructions to the lord advocate to prepare, along with the procurator, a measure to be submitted to the cabinet. And for those who might desiderate something more definite, and, as they perhaps feel, more substantial than this, we have the satisfaction of announcing, if not yet a specific measure by the legislature, at least a specific and most important concession to the views of the church on the part of the government. They have authorised us to state, that in the disposal of those livings which are at the nomination of the crown, its patronage will most certainly be exercised in accordance with the existing law of the church, a resolution which applies to nearly one-third of the parishes of Scotland." No sooner was this report made public, than lord Brougham brought the matter before the house of lords, and put a question to the prime minister as to the truth of this statement. Lord Melbourne replied in substance that he had wished to impress upon the deputation that the government considered the subject one which deserved careful consideration, but that he had not encouraged them to expect any legislative enactment on the subject; and that he had merely assured them that the patronage of the crown should continue to be exercised, as it had been, according to the assembly's own rules and laws. Shortly after this, Mr. Hope, the dean of faculty, published a large pamphlet, in which he criticised the whole proceedings of the evangelical party in the assembly with considerable severity, and accused the non-intrusion committee of having misrepresented lord Melbourne's words, with the intention of committing the government. Dr. Chalmers published a rather violent reply to this pamphlet, and in the midst of the irritation thus caused on both sides, two new cases of disputed presentation came to render the controversy more bitter and more intricate. The first of these occurred in the parish of Lethendy, in the presbytery of Dunkeld, which had an incumbent named Butters, who, in 1835, was too old and infirm to exercise his duties efficiently. The crown consequently appointed in that year a Mr. Clark to be his assistant and successor,



but, as he was vetoed by the congregation, the presbytery rejected him, and the assembly of 1836 confirmed their sentence. In the month of March, 1837, Clark raised an action against the presbytery, which was brought into court in the November following. A few days afterwards, Mr. Butters died, and, as Clark had only been originally sent down with what was called a sign-manual, the crown, ignoring his appointment altogether, issued a formal deed of presentation to a Mr. Kessen. As no objection had been made to this presentee, the process of settlement had been gone through until there remained only the single act of ordination and induction, when Clark presented an interdict from the court of session forbidding the presbytery to proceed to the ordination. Reference was immediately made to the commission of the general assembly, which directed the presbytery of Dunkeld to complete the settlement of Mr. Kessen. Clark now obtained a new and amended interdict from the court of session, forbidding the presbytery to act on the direction of the commission, upon which the presbytery referred the matter back to the commission for consideration at its meeting in August. The commission confirmed its former directions, and the presbytery met to act upon them, when an agent appeared for Mr. Clark, and read an opinion of the dean of faculty, on the danger they were incurring by their proceedings, and threatened them with imprisonment. Mr. Kessen was, nevertheless, ordained; and a complaint was lodged against the presbytery by Mr. Clark for having violated the interdict, and they were summoned to appear at the bar of the court of session on the 14th of June, 1839, from which they were dismissed with a rebuke, in addition to which they had to pay costs to the amount of between three and four hundred pounds. Mr. Clark subsequently gained an action for damages against the presbytery. The other case to which we have referred was of a rather different character. The parish of Marnoch, in the presbytery of Strathbogie, becoming vacant in the year 1837, a Mr. John Edwards was presented by the trustees of the patron, the earl of Fife. Only one parishioner and three heritors signed his call, while there were two hundred and sixty-one voices against him. In obedience to an order of the general assembly of 1838, the presbytery rejected Mr. Edwards, who carried his case to the court of session, and

in June, 1839, obtained a decree holding the presbytery still bound to take him on trial. The commission of the assembly expressly forbade the presbytery from obeying this decision, but it appears that the majority of this presbytery belonged to the moderate party, and after some disputes and several meetings, they rejected the veto of the parishioners, and determined to obey the decision of the civil court. Their conduct was brought before the commission at its meeting on the 11th of December, and they appeared in consequence of a summons to its bar, where, on their refusing obedience to the ecclesiastical in opposition to the civil power, sentence of suspension was pronounced against all the ministers (seven) who had formed the majority of the presbytery in these proceedings. Next day the seven ministers presented by their agent a notarial protest, holding all who had concurred in the sentence against them liable in damages, upon which the commission referred the whole case to the next general assembly. Four days after, the suspended ministers met in what they chose to consider a presbytery, and passed a formal resolution to disown the authority of the commission, and seek the interposition of the civil power, and accordingly they made an application to the court of session to set aside the sentence which had been pronounced against them, and to prohibit its being carried into effect. The court went so far as to interdict the minority of the presbytery, and all others, from using the church, churchyard, and school-house, in executing the sentence which the commission had pronounced against the majority. The commission were obliged to obey this interdict, as the places from which they were debarred were civil property, and the ministers sent to do the duties of those who had been suspended were obliged to preach in the fields.

The majority of the presbytery did not remain long satisfied with this first interdict, but, a few weeks after, they applied to the court of session for another, so extended as to hinder the preachers sent by the assembly from preaching in the parish. The lord ordinary Murray, to whom they first applied, continued the previous interdict of the use of the church, churchyard, and school, but refused to go further; the case, however, having been carried into the first division of the court, the presbytery at length obtained the interdict from preaching in the parish, which they had demanded.

There was now a strong feeling in the law courts against the proceedings of the evangelical party in the church, and lord Gillies, in moving the sentence of the court on this occasion, said—"That it appeared to him that the position which the non-intrusion party of the church of Scotland had taken up in opposition to the established law of the country, was the most arrogant that any established church had ever attempted;" a remark which naturally gave great offence to his opponents. These latter paid no attention to this new sentence, but sent their preachers into the parish as before, and the preachers merely took the interdict which was served upon them, and put it in their pocket, and proceeded as if nothing had happened, and the court appears to have been unwilling to follow up the matter against them personally. At a meeting of the commission of the assembly soon after these occurrences, on the 4th of March, 1840, these proceedings were brought under discussion, and Dr. Chalmers made a very strong speech, in which he declared that the church had made up her mind to set the civil courts at naught on this question, and that he and his party were resolved not to make the slightest concession. As the moderates now absented themselves from these discussions, the evangelicals of course carried everything by large majorities, and a series of resolutions, moved by Mr. Candlish, were agreed to by a hundred and seven voices against nine. The first of these resolutions pronounced the interdict of the court of session to be "contrary to the liberties of the church, as the same are recognised in the constitution of this country, and sanctioned by various solemn enactments of the supreme power in the state;" the second traced these alleged encroachments upon the jurisdiction of the church to the principle laid down in the courts of law in the Auchterarder case; and the third recommended petitions to parliament to adopt measures "for protecting the church from such unconstitutional interference of the court of session with the government, discipline, rights, and privileges thereof."

As the mass of the population was naturally led by the non-intrusion party, petitions in accordance with the wish of the church commission were quickly sent in to parliament from all parts of the country, and very numerous signed, and the agitation became greater than ever. A deputation had proceeded to London to sound the

feelings of the leaders of the different parties, and they had interviews with lord Melbourne at the treasury, and with lord John Russell, both of whom wished to avoid the subject, which they said was one of great difficulty, but lord John promised a final answer in the month of March. He then told them that the ministers "thought that they could frame a measure fitted to serve the object the church had in view, and which ought to be satisfactory; but he did not see any reasonable prospect of their being able to carry it through the legislature. There was so much division on the subject in the church itself, in the country, and in parliament, that they despaired of being able to obtain, at present, the necessary support for such a measure as they would be disposed to introduce. By-and-bye, perhaps, there might come to exist a greater unanimity on the subject, and then it might be in their power to effect what could not be attempted now." This reply was quite unsatisfactory to the church deputies, but, on the intervention of the lord advocate, ministers agreed to reconsider the matter, and the deputies had another interview with lord John Russell, at which the lord advocate and sir George Grey were present. Lord John then told the deputies, that the reason government had declined to interfere was not that they were unable to agree upon a suitable measure, but that at present they saw no prospect of being able to carry it; but the information laid before him by the lord advocate had, he said, in some degree altered the position of matters, so far at least that the government felt warranted in reconsidering their decision. He intimated, at the same time, that the measure they should propose would not be necessarily the exact one which the assembly wished to enforce upon them, but that they should probably suggest some modification in the character of the veto. At a subsequent interview, on the 30th of March, the deputies were informed that the ministers had finally resolved not to move in the matter at present.

The deputies had meanwhile been in communication with the conservative party, and they derived hopes from a very favourable speech which had been made in the house of lords in the month of February by lord Aberdeen, who had stated his opinion that the peace or the Scottish church ought to be restored by a legislative measure. Although he evidently disapproved of the veto,



yet he expressed himself so much in accordance with the sentiments expressed by Dr. Chalmers in 1839, before he had adopted the veto, that it was hoped that lord Aberdeen might be brought to give up this point also. In a communication to the non-intrusion committee, lord Aberdeen stated his notions on this subject in writing, which were:—"That the presbytery shall be bound to take a qualified presentee on trial; and in the course of the proceedings previous to ordination, the objections of the parishioners, if any, shall be received and duly weighed by the presbytery; such objections in every case to be accompanied with reasons assigned,—but the presbytery to be at liberty to consider the whole circumstances of the case before them, and to form their judgment without reference to the actual number of persons dissenting, or their proportion to the whole amount of communicants and heads of families in the parish,—the decision of the presbytery, with respect to the fitness of any individual for the charge to which he is presented, to be founded on such full and mature consideration, and to be pronounced on their own responsibility, and according to the dictates of their hearts and consciences. In a word, and to adopt the expression of Dr. Chalmers, it is proposed to recognise a presbyterial veto instead of the popular veto, which it has been attempted to establish by means of the general assembly; all proceedings to be liable to review in the superior church courts." This the committee considered as merely substituting the will of the presbytery for the will of the congregation, and they were determined that the veto should be the simple dissent of a majority of the parishioners who were duly qualified, without any reason or justification being required. The committee accordingly replied to lord Aberdeen, that if they were to understand this as the principle of his proposal, "they had not the power even to entertain such a proposition, involving as it did the abandonment of that very principle which the assembly, by whom they were appointed, resolved could not be abandoned;" adding, that "any proposition implying that the church should not have power to reject simply in respect of the circumstance that the congregation continued to oppose the settlement, they could not listen to even for a moment." Lord Aberdeen replied that the committee had to a certain extent misunderstood him, and that he

wished in no manner to fetter the judgment of the ecclesiastical court, but that he wished to save the presbytery from the necessity of rejecting a minister for any frivolous reason, such for instance (which was the case he put) as because his hair was red. Further correspondence now took place, in the course of which Dr. Chalmers first thought the committee itself went too far, but afterwards he wrote to lord Aberdeen in the following terms:—"On further reflection I am satisfied the gentlemen who brought forward the instance of a dissent being sustained irrespective of the reasons, did right; first, because it was fair and honest that you should understand the full extent of the judicial power which we desire for the church; second, because though the reasons, as expressed by the people, might none of them be of a very presentable or pleadable character, there might after all be a well-founded dislike on their part, that might prove a most effectual moral barrier in the way of a minister's christian usefulness among them; and third, because unless the measure be of that full and comprehensive nature which may provide for every possible or conceivable instance, and so as to make the presbyterial veto quite absolute, we shall not be placed quite securely beyond the reach of interference, and so of a collision with the court of session." In fact, the object really contended for was the simple superiority of the church courts over all civil courts.

As lord Aberdeen showed an evident inclination to yield as much as he could to the claims of the church, the deputies were led to believe that he was prepared to bring in a bill in full accordance with their feelings with regard to the call, and laid information before the committee to that effect; but if lord Aberdeen had really adopted their view of the matter, he very soon changed his mind, for immediately afterwards he addressed a letter to Dr. Chalmers, in which he said—"I had mentioned to them (the deputies) a project of an enactment by which the call should be rendered more effectual, and thus accomplishing the object desired by obtaining an assent on the part of the people. For some time I regarded this project with favour, and was very desirous of carrying it into effect. Further examination and reflection, however, have convinced me that it would be quite impracticable, and I have therefore abandoned it altogether." There was now

virtually an end of any cordial co-operation between lord Aberdeen and the committee, and, having given notice on the 31st of March of his intention to bring a bill into the house of peers on this subject, he so far took the matter into his own hands, that when the two deputies of the committee sought an interview, he informed them that he could only receive them as private individuals, and not in their official character. However, on the 28th of April, he read his bill over to them, and next day he sent them a copy of it. They found, as they perhaps expected, that it did not give them the absolute veto they required, and they suggested alterations which would have effected that object. In returning the copy of the bill to him with their alterations, the two deputies referring to what had passed on the previous interview, said—"It is in these circumstances that we ventured to state it to your lordship, as our united and most decided opinion, that the bill, as submitted to us by your lordship, would infallibly be rejected by the church, and by a large majority of the ensuing general assembly; while, on the other hand, our opinion is not less decided that the bill, if modified according to the suggestions which we found it necessary to offer—and more especially, if by being read a second time, the principle embodied in it shall have obtained the sanction of one branch of the legislature before the assembly meets,—would be acquiesced in by the assembly in such terms as would be satisfactory to your lordship, and as would be fitted and designed to secure the success of the bill in both houses of parliament. If the bill, therefore, should remain unaltered, we can expect no result from it but immediate disappointment to your lordship's excellent intentions, and a continuation of those ruinous distractions which it is so desirable to terminate. Whereas, should your lordship be induced to modify the measure in the manner we have recommended, there is every reason to hope that there will be accomplished, through your lordship's instrumentality, the happiest deliverance to the church and country from evils of the most appalling magnitude." It was now, in fact, openly declared and proclaimed, that the only thing the assembly would accept was an act of simple concession to their demands.

Lord Aberdeen next sent a copy of the bill to Dr. Chalmers, who lost no time in

communicating to him his entire disapproval of it. "The three things," he said, "which are fatal to the bill are—first, the obligation laid on the presbytery to give its judgment exclusively on the reasons, instead of leaving a *liberum arbitrium* (free will) in all the circumstances of the case. . . . Secondly, because the bill, in its whole tone and structure, subordinates the church to the civil power in things spiritual. . . . Thirdly, it is substantially the same measure with that which was moved for by Dr. Cook and rejected by the church." All negotiation was now brought to a close, for it was quite evident that Dr. Chalmers and the party he led were resolved not to give way, while it was equally clear that those whom they now spoke of as the "politicians" felt that they could not yield to all the demands made by the general assembly and its committee.

The national assembly met on the 13th of May, and the consideration of lord Aberdeen's bill was brought before it on the 27th, in a long speech by Dr. Chalmers, who stated as follows the doctrine of ecclesiastical independence:—"The leading principle of presbyterianism," he said, "is that there is a district government in the church, and which the state must have approved of ere it conferred on her the temporalities,—and we must be as uncontrolled by the state, in the management of our own proper affairs, as if we did not receive a farthing from the treasury." Speaking of those within the church, who held less extreme opinions, and whom he accused of designing to undermine the church, he said that they "know well, that if we give way by ever so little,—if we make the smallest, though it were but a quit-rent acknowledgment of the supremacy of the civil court,—if we make but the semblance of submission to the civil power, they know well that the minutest fraction of such an appearance would eat as a canker-worm into the heart of any state religion,—the contaminating flaw would putrefy and pulverise to the dust every national establishment of christianity within these realms." With these sentiments he proposed a series of resolutions, the first of which declared the church's unchanging determination to "assert and maintain the exclusive jurisdiction of the church in all matters spiritual, recognising at the same time the supremacy of the civil courts in all matters touching the temporalities of the benefice." The



second declared an equally firm resolution to "assert and maintain the great and fundamental principle of non-intrusion." The third resolution was expressed as follows:—"Having considered the bill entitled, 'An act to remove doubts respecting the admission of ministers into benefices in that part of the kingdom called Scotland,' recently introduced into the house of lords, resolved—that while it makes no adequate provision, either for securing the exclusive jurisdiction of the church in matters spiritual, or for enabling the church to carry into effect the principle of non-intrusion, according to any specific law, the bill does not even leave the church courts at liberty in the exercise of their judicial functions, and on their own responsibility, to give effect to their own solemn convictions of duty in refusing to intrude presentees on reclaiming congregations; nor does it protect them from civil coercion and control, when, in any particular case, they shall do so; and therefore, inasmuch as this bill is inconsistent with the principles of the church, and threatens, if passed into a law in its present form, to produce effects which may be fatal to the church as a national establishment,—the general assembly cannot acquiesce in this bill, unless it be so altered as to be in conformity with the principles now expressed; and that it is the duty of this church to use every effort to prevent its obtaining the sanction of the legislature." The fourth resolution was merely a vote of approval of the proceedings of the non-intrusion committee, and the appointment of another committee to watch over the progress of any bill which might be brought into parliament on the subject, with authority to draw up a bill of their own to be presented to parliament, if they saw an opportunity. After a very long debate, the resolutions were carried by two hundred and twenty-one voices against a hundred and thirty-four. Lord Aberdeen, nevertheless, proceeded with his bill, and it passed a second reading in the house of lords by seventy-four voices against twenty-seven. The new committee of the assembly had sent their deputies to London, and these now presented a petition against the further progress of the bill, and demanded to be heard by counsel against it. Lord Aberdeen felt the inutility of attempting to legislate for a body of people against their will and in face of their protests, and nothing more was heard of the bill till the

10th of July, when, in answer to a question on the subject, he stated that "he had come to the conclusion, although very reluctantly, that it would not be expedient for him to press the third reading of the bill during the present session." The bill was thus abandoned.

On the 26th of May, the day before the debate on lord Aberdeen's bill, the case of the Strathbogie ministers was resumed in the assembly, and counsel was heard in their defence. The question first debated—and in fact this was the main question at issue—whether the commission had exceeded its powers, and indeed whether the assembly, which of course delegated its powers to the commission, had such powers to the extent to which they had been used? This led, after some very warm debate, to a preliminary decision, carried by two hundred and twenty-seven voices against a hundred and forty-three, "that the assembly having heard counsel in this case, find that the commission did not exceed its powers; dismiss the complaint and appeal, and find and declare that the seven ministers in the presbytery of Strathbogie have been duly suspended, in terms of the sentence of the commission." A day was fixed for the further consideration of the case, as regarded the proceedings now to be taken against the suspended ministers, inasmuch as they, relying upon the protection of the civil courts, had not submitted to the sentence of the commission. Moreover, as the evangelical majority in the assembly now alleged, "it was not alone the contumacy of the seven brethren with which the assembly had now to deal. There were other and later proceedings of theirs with which that original offence had been entirely outdone. They had attempted to interrupt, by bringing in the arm of the civil power, the course of ecclesiastical discipline and the administration of the ordinances of the gospel. They had violated that great cardinal doctrine of the church's constitution—that, 'The Lord Jesus Christ, as king and head of his church, hath therein appointed a government in the hands of church officers, distinct from the civil magistrate,' and that 'to these officers the keys of the kingdom of heaven are committed.' This they had done by recognising in the civil court a power to set aside the spiritual censures of the church, and to confer a title to exercise the spiritual functions of the ministry." It was, however, suggested that the church ought to make one effort more

to bring the suspended ministers on their knees, and it was moved, "that in respect of the proceedings of these parties in violating the orders of the commission, and of the general assembly, with regard to the settlement of Mr. Edwards, this assembly do find that they are censurable; and with regard to the other matters brought up, that they are liable to be proceeded against according to the laws of the church, but that before pronouncing any sentence and determining the nature of that sentence, a commission of this house shall be appointed to deal with these men, and report to a subsequent diet of this assembly." In reply to this, Dr. Cook, as the mouthpiece of the moderate party, moved as an amendment that, "as the said sentence was pronounced on these ministers for having conscientiously yielded obedience to the positive instructions of the supreme civil court, in what was stated by these courts to be a civil matter, in the peculiar circumstances and unresolved difficulties of the case, they are not on this account to be considered censurable, and the general assembly therefore remove the sentence of suspension, and restore them to the full exercise of their ministerial functions." The original motion was, however, carried against this amendment by two hundred and eleven voices against a hundred and twenty-nine. Next day, Dr. Cook gave in seven reasons of dissent for himself and the minority. One of these reasons was, "Because we are thoroughly persuaded, that the conduct of these seven gentlemen, in yielding obedience to the supreme civil judicatories of the realm, in what these judicatories, after the most anxious investigation, and after hearing all parties, under a voluntary appeal made to them by the church, had declared to affect civil rights, is conformable to the clearest principles of reason and the express injunctions of revelation,—and that had they acted otherwise, they would have violated their duty as good citizens and faithful subjects,—subverting, as far as in them lay, the great and fundamental maxims upon the uniform and steady application of which the existence of the social union, and the numberless blessings which result from it, must depend." The evangelical party professed to be shocked at the Erastianism contained in this article, and they went so far as to declare openly, that if the moderates persisted in such opinions, it was impossible that they could remain any longer with them in the same church.

A committee was appointed to confer with the suspended ministers, and, on the 1st of June, they laid before the assembly a paper signed by them, in which they avowed that "they deemed themselves specially bound, alike by their oaths of allegiance and by their duty as subjects, and as ministers of the established church, having right to the offices of ministers of parishes under the law of the land, to give due effect and obedience to the decree of the supreme civil court pronounced against them;" and they added that, "for having taken that course they feel it impossible for them conscientiously to acknowledge that they have justly become the objects of censure by the church." It was, upon the report of the committee, resolved by a hundred and sixty-six voices against a hundred and two, that the sentence of suspension should be continued, and that the seven ministers should be cited personally to appear before the commission in August, and that if they then continued contumacious and refused submission to the church courts, they should be served with a libel for that contumacy, and the commission should proceed until the case was ripe for the next general assembly.

The positions of the two great parties into which the Scottish church was now divided were very critical; the evangelicals, who were all-powerful in the assembly, had no other prospect, if they continued in the course upon which they had advanced so far, but that of a total separation from the state, and with that the entire loss of all the secular endowments of the church; while the moderates, who, although supported by the civil courts, were quite powerless in the assembly, were anxiously watching for any means of recovering their influence. With this object in view, they are said to have contemplated a secret association or league; at least this was alleged as an excuse by their opponents,—who had lost all hopes of the favour of government after the declaration of sir Robert Peel in the house of commons, in July, 1840,—for entering into a still more formidable combination. They seem to have imagined that they were living again in the days of the solemn league and covenant; and an "engagement" was drawn up, which will give our readers the best notion of the principles on which the evangelical party now made their stand. The following is the text of this document:—

"Whereas it is the bounden duty of those



who are entrusted by the Lord Jesus with the ruling of His house, to have a supreme regard in all their actings to the glory of God the Father, the authority of His beloved Son, the only King in Zion, and the spiritual liberty and prosperity of the church which He hath purchased with His own blood. Whereas, also, it is their right and privilege, and is especially incumbent upon them in trying times, as well for their own mutual encouragement and support as for the greater assurance of the church at large, to unite and bind themselves together, by a public profession of their principles, and a solemn pledge of adherence to the same, as in like circumstances our ancestors were wont to do: and, whereas, God in his providence having been pleased to bring the church of Scotland into a position of great difficulty and danger by acting according to the dictates of conscience and the word of God, imminent hazard of most serious evil, personal as well as public, is incurred. In these circumstances it being above all things desirable, that in the face of all contrary declarations and representations, our determination to stand by one another and by our principles should be publicly avowed, and by the most solemn sanctions and securities, before God and the country, confirmed and sealed,—

"We, the undersigned, ministers and elders, humbling ourselves under the mighty hand of our God, acknowledging His righteousness in all His ways, confessing our iniquities and the iniquities of our fathers, mourning over the defections and shortcomings which have most justly provoked His holy displeasure against His church; adoring, at the same time, His long-suffering, patience, and tender mercy, and giving thanks for the undeserved grace and loving-kindness with which He has visited His people and revived His cause, under a deep sense of our own insufficiency, and relying on the countenance and blessing of the great God and our Saviour, do deliberately publish and declare our purpose and resolution to maintain—in all our actings and at all hazards to defend—those fundamental principles relative to the government of Christ's house, His church on earth, for which the church of Scotland is now called to contend,—principles which we conscientiously believe to be founded on the word of God, recognised by the standards of the church, essential to her integrity as a church of Christ, and inherent in her constitution

as the established church of this land. The principles now referred to, as they have been repeatedly declared by this church, are the two following, viz.:—I. 'That the Lord Jesus, as King and Head of His church, hath therein appointed a government in the hand of church officers distinct from the civil magistrate. II. That no minister shall be intruded into any parish contrary to the will of the congregation.' To these principles we declare our unalterable adherence, and applying them to the present position and the present duty of the church, we think it right to state still more explicitly what we conceive to be implied in them.

"1. We regard the doctrine,—'that the Lord Jesus is the only King and Head of His church, and that He hath therein appointed a government in the hands of church officers, distinct from the civil magistrate;' this sacred and glorious doctrine we regard as fencing in the church of God against all encroachments and innovations, inconsistent with the free exercise of all the spiritual functions which the Lord Jesus has devolved either upon its rulers or upon its ordinary members. While, therefore, we abhor and renounce the popish doctrine, that the government appointed by the Lord Jesus in His church has jurisdiction over the civil magistrate in the exercise of his functions, or excludes his jurisdiction in any civil matter, we strenuously assert that it is independent of the civil magistrate, and that it has a jurisdiction of its own in all ecclesiastical matters, with which the civil magistrate may not lawfully interfere, either to prevent or to obstruct its exercise.

"2. In particular, we maintain, that all questions relating to the examination and admission of ministers, or to the exercise of discipline and the infliction or removal of ecclesiastical censures, lie within the province of the church's spiritual jurisdiction; and all such questions must be decided by the church officers, in whose hands the government is appointed, according to the mind and will of Christ, revealed in His word—not according to the opinions or decisions of any secular authority whatsoever. We are very far, indeed, from insisting, that the judgments of the competent church officers, in such questions, can of themselves carry civil consequences, or necessarily rule the determination of any civil points that may arise out of them. In regard to these, as in regard to all temporal matters, we fully acknowledge the civil magistrate to be the

sole and supreme judge,—bound, indeed, to have respect to the word of God and the liberties of Christ's church, yet always entitled to act independently, on his own convictions of what is right. But in regard to all spiritual consequences, and especially in regard to the spiritual standing of members of the church and their spiritual privileges and obligations, the judgments of the church officers are the only judgments which can be recognised by us as competent and authoritative. And if, at any time, the civil magistrate pronounce judgments by which it is attempted to control, or supersede, or impede the sentences of the church officers in these spiritual matters, and in their spiritual relations or effects, we must feel ourselves compelled to act upon our own conscientious interpretation of the will of Christ,—disregarding their judgments as invalid, and protesting against them as oppressive.

"3. As the Lord Jesus has appointed a government in His church, in the hands of church officers, so we believe, at the same time, that He has invested the ordinary members of His church with important spiritual privileges, and has called them to exercise, on their own responsibility, important spiritual functions. In particular, we are persuaded that their consent, either formally given, or inferred from the absence of dissent, ought to be regarded by the church officers as an indispensable condition in forming the pastoral relation; and that the act of a congregation agreeing, either expressly or tacitly, or declining to receive any pastor proposed to them, ought to be free and voluntary, proceeding upon their own conscientious convictions, and not to be set aside by the church officers—the latter, however, always retaining inviolate their constitutional powers of government and superintendence over the people. We hold it accordingly, to be contrary to the very nature of the pastoral relation, and the end of the pastoral office,—altogether inconsistent with the usefulness of the church, and hostile to the success of the gospel ministry—an act of oppression on the part of whatever authority enforces it, and a cause of grievous and just offence to the people of God,—that a minister should be settled in any congregation in opposition to the solemn dissent of the communicants. We deliberately pledge ourselves, therefore, to one another, and to the church, that we will by the help of God, continue to defend the people against the intrusion of unaccept-

able ministers,—and that we will consent to no plan for adjusting the present difficulties of the church, which does not afford the means of effectually securing, to the members of every congregation, a decisive voice in the forming of the pastoral tie.

"4. And, further, with reference to the question of civil establishments of religion, which we believe to be deeply and vitally concerned in the present contentings of the church, we feel ourselves called upon to bear this testimony,—that, holding sacred the principle of establishments as sanctioned both by reason and the word of God,—recognising the obligation of civil rulers to support and endow the church, and the lawfulness and expediency of the church receiving countenance and assistance from the state,—we at the same time hold no less strongly, that the principles which we have laid down regarding the government of Christ's church and the standing of his people, cannot be surrendered or compromised for the sake of any temporal advantages or any secular arrangements whatsoever; that it is both unwise and unrighteous in the civil magistrate to impose upon the church any conditions incompatible with these principles: and that no consideration of policy, and no alleged prospect of increased means of usefulness, can justify the church in acceding to such a condition. We emphatically protest against the doctrine, that in establishing the church, the civil magistrate is entitled to impose upon the church any restrictions on the authority of her office-bearers, or the liberties of her members. On the contrary, we strenuously assert, that it is his sacred duty, as it is his interest, to give positive encouragement and support to the church in the exercise of all her spiritual functions,—for thus only can God, from whom he receives his power, be fully glorified, or the prosperity and greatness of any people be effectually promoted. We admit, indeed, that, as supreme in all civil matters, the civil magistrate has always command over the temporalities bestowed upon the church, and has power to withdraw them. But he does so under a serious responsibility. And at all events the church, whilst protesting against the wrong, must be prepared to submit to their being withdrawn, rather than allow him to encroach upon that province which the Lord Jesus has marked out as sacred from his interference.

"5. While we consider the church's course of duty to be plain, if such an emergency as



we have supposed should arise, we have hitherto believed, and, notwithstanding the recent adverse decisions of the civil courts, we still believe that the constitution of the established church of Scotland, as ratified by the state at the eras of the revolution and the union, when, after many long struggles, her liberty was finally achieved, effectually secured that church against this grievous evil. The only quarter from whence danger to her freedom ever could, since these eras, be reasonably apprehended, is the system of patronage: against which, when it was restored in 1711, the church strenuously protested, and of which—as we have much satisfaction, especially after recent events, in reflecting—she has never approved. The restoration of that system we hold to have been a breach of the revolution settlement and the treaty of union, contrary to the faith of nations. Even under it, indeed, we have maintained, and will contend to the uttermost, that the constitution of the church and country gives no warrant for the recent encroachment of the civil courts upon the ecclesiastical province: that in terms of that constitution the church has still wholly in her hands the power of examination and admission, and, in the exercise of that power, is free to attach what weight she judges proper to any element whatever that she feels it to be necessary to take into account, as affecting the fitness of the presentee, or the expediency of his settlement: and that unquestionably in whatever way the church may deal with the question of admission, the civil courts have no right to interfere, except as to the disposal of the temporalities. But while we have taken this ground, and will continue to maintain it to be lawful, constitutional, and impregnable, even under the restored system of patronage, we avow our opposition to the system itself, as a root of evil in the church which ought to be removed,—the cause in former times of wide-spread desolation in the land, as well as of more than one secession of many godly men from the church,—and the source, in these our own days, of our present difficulties and embarrassments. We look upon the recent decisions of the civil courts, as illustrating the real character of that system of patronage which they attempt so rigidly to enforce; making it clear that it does impose a burden upon the church and people of Scotland, greatly more grievous than it was ever before believed to do. We con-

sider it to be impossible for the church, so long as this matter continues on its present footing, fully to vindicate or effectually to apply her inherent and fundamental principles; and it is now more than ever our firm persuasion, that the church ought to be wholly delivered from the interference of any secular or worldly right at all, with her deliberations relative to the settlement of ministers. We declare, therefore, our determination to seek the removal of this yoke, which neither we nor our fathers have been able to bear; believing that it was imposed in violation of a sacred national engagement, and that its removal will, more effectually than any other measure, clear the way for a satisfactory and permanent adjustment of all the questions and controversies in which we are now involved.

"Having thus set forth the principles on which we are united, being deeply impressed with a sense of their sacredness and magnitude, having our minds filled with solemn awe as we contemplate the crisis to which God, in his holy providence, has brought this church and kingdom,—a crisis of immediate urgency and of momentous issue, in which great principles must be tested, and interests of vast extent may be affected; and desiring to deliberate and act with a single eye to the divine glory, and a simple regard to the divine will,—

"We, the undersigned, ministers and elders, do solemnly, as in a holy covenant with God and with one another, engage to stand by one another and by the church which God's own right hand hath planted among us, promising and declaring that, by the grace and help of Almighty God, we will adhere to the two great principles which we have avowed; and, in all our actings as office-bearers in the church, will do our utmost, at all hazards, to carry them into effect; and that we will consent to no surrender or compromise of the same, but will faithfully and zealously prosecute our endeavours to obtain a settlement of the present question, in entire accordance therewith. And considering that, in this struggle in which the church is engaged, it is most necessary that we should be assured of the concurrence and co-operation of the christian people, on whose sympathy and prayers we, in the discharge of our functions as rulers, greatly lean, and by whose influence and assistance we can best hope effectually to press upon the governors of this great nation the just claims of the church,—

"We do most earnestly and affectionately invite our friends and brethren, members of the church of our fathers, to come to our help and to the help of the Lord,—to declare their concurrence in the great principles for which we are called to contend, and their determination to do all in their power, in their station and according to their means and opportunities, to aid us in maintaining and defending these principles, so that they, as well as we, shall consider themselves pledged to uphold the church in her present struggle, and, in particular, to use the powers and privileges which, as the citizens of a free country, they have received from God, and for the exercise of which they are responsible to Him for this, above all other ends, that the determination of the legislature of this great nation, whenever this subject shall come before them, may be in accordance with those principles which all of us hold to be essential to the purity of the church and the prosperity of the people.

"We, in an especial manner, invite them to raise a united and solemn protest against the system of patronage, which, unjust and obnoxious as it was in its first enactment, the decisions of the civil courts are now rivetting more firmly than ever on the reclaiming church of their fathers. The entire removal of that system they have the fullest warrant to claim on the ground of their ancient constitution and the solemn guarantee by which their national freedom and their religious faith have been secured; and, finally, recognising the hand of God in our present troubles, depending wholly on His interposition for a happy issue out of them, and remembering what our fathers have told us, what work the Lord did in their days and in the times of old, we call upon the christian people to unite with us in a solemn engagement to bear the case of our beloved church upon our hearts, in prayer and supplication at the throne of God, beseeching Him to turn the thoughts of those who are against us, and to guide us in the right way, so that under His overruling providence and by the operation of His Almighty Spirit, the cause of truth and righteousness may be advanced, and the work of righteousness may be peace, and the effects of righteousness quickness and assurance for ever."

This proceeding, and the reported intention of the moderate party to meet and make a counter-demonstration on the 12th of August, caused much excitement, and a

public meeting of the evangelicals, held in the parish church of St. Cuthbert in Edinburgh, on the evening of the 11th, was very numerous attended. Resolutions in accordance with the above engagement were adopted, and the commission of the assembly met on the day following (the 12th), in St. Giles's church, which was so much crowded, that they were obliged to adjourn to the Tron church. As the moderates remained quiet, the commission proceeded to further measures against the seven suspended ministers in the Strathbogie case. They had been cited by the preceding assembly to appear before this meeting of the commission; but in the meantime they had again applied to the court of session, and had obtained an interdict against the whole proceedings which the general assembly had taken against them, and they now presented a paper by their agent, by which they virtually disowned the jurisdiction of the church. Their agent stated "that he had been instructed by his clients to intimate that they did not intend to appear at this meeting of the commission, or at any of its other meetings to be held under the authority of the last assembly's resolutions and sentence relative to them;" but that, having placed themselves under the protection of the civil courts, they could not, "without acting inconsistently, recognise or sanction any part of the proceedings which have been suspended as illegal." They were defended by Dr. Cook, but their proceeding was very indignantly censured by the evangelicals, and drew forth an equally indignant speech from Dr. Chalmers. "We must stand out," he exclaimed, "against the series of aggressions thus rising in magnitude one above the other, else the most sacred, the most sacramental of our institutions, the very innermost recesses of the sanctuary, will be opened to the invader and trampled under foot. I know the obloquy which will be heaped upon us. I have heard the odious names which will be given us for this resistance: and I am prepared for them. If not an impartial public, at least an impartial posterity, will tell whether we are rebels, or they are persecutors. And here I may say one word to those who express the hope, and I observe that sir Robert Peel is among the number,—that we will yet give up our personal feelings, and do otherwise than this. To what personal feelings he refers, he does not specify,—whether it be the feeling of



irritation or false honour,—the pride of men who have committed themselves and gone too far to retract without shame and degradation. If so, never was an appeal made wider of its object. These personal feelings have no existence with us: or if they have, it is in such a slight degree, that they are altogether overborne by principles of a depth and height, and breadth and length, sufficient to engross and occupy the whole mass. The principles, whether our adversaries comprehend them or not,—the only moving forces that have told and still tell on the assembly, are the full security of our spiritual independence. The headship of Christ,—the authority of the Bible as our great spiritual statute-book, not to be lorded over by any power upon earth,—a deference to our own standard in matters ecclesiastical,—and a submission unqualified and entire to the civil power in all matters civil. These are our principles: and these principles, not personal feelings, we are asked to give up by men who have put forth unhallowed hands upon them. I ask, is there no room for a similar appeal to them? Have they no personal feelings,—no acrimony arising from the anticipation of defeat,—no triumph arising from the anticipation of victory? Have they no mortification of wounded vanity but their battle-cry,—‘what firmness has done before, firmness may do again’ (an allusion to a phrase in Mr. Hope’s pamphlet)—lest that battle-cry should be rolled back by a resolute and unyielding church on the heads of those who used it?” . . . . “Is there,” he went on to say, “no inward chagrin among parliamentary friends, mourning over their abortive measures,—is there no sense of offended dignity among the functionaries of the law, lest it should be found that law—no impossible thing in the course of a hundred and fifty years—had for once gone beyond its sphere? I ask which of the rival elements ought to give way? Whether the personal feelings of the men who have nothing to lose in this contest, or the personal feelings of men who are ready to risk all for their principles; and who, though many of them are in the winter of life, would—rather than renounce their principles—abandon their homes, and brave the prospect of being cast, with their helpless and houseless families, upon the wide world? I ask if it was well in sir Robert Peel, from his high station, and from his seat of silken security, to deal out his ad-

monitions to the church of Scotland in this way; and while he spares the patrician feelings of his compeers, to take no account of the principles and feelings of those conscientious men who, humble in station, but high in spirit, are ready, like their forefathers of old, to renounce all their enjoyments for the glory and the dignity of the church?”

Dr. Chalmers and his friends began now to talk more openly of the prospect of separation in the church, though this was perhaps used rather as a threat in the event of the civil courts persisting in their decisions; and he now for the first time declared that their object had expanded itself, and that they sought the entire abolition of patronage. “So far as I can understand,” he said, “the proposal now is, that whereas we have hitherto been thwarted in all our attempts to find a place for the popular will in the *settlement* of ministers, we must now labour with all our might to find a place for it in the *initiative*. In other words, as we were not permitted, in peace and without molestation, to regulate the call, let the right of nomination be so regulated as to anticipate the call; and for this purpose let us, in the name of all Scotland,—and I am sure of nineteen-twentieths of her people,—seek, through the medium of a legislature, to modify, and, if less won’t do, utterly to abolish this system of patronage. It is a consummation to which I shall look forward without uneasiness,—nay more, not without the hope of the glorious enlargement of our church,—always provided, however, that the church’s spiritual independence is left an intact and inviolable element amidst all these changes. I am no flatterer of the people. With all my respect for the mind and will of an honest congregation, however simple and however poor,—they may go astray in their way just as much as the patron does in his; and if the independent negative of the church be called for as a stay on the corruption of the one, the same check may be required as a corrective on the occasional extravagances, or follies, or overweening partialities of the other. The time is fast approaching when our (political) constitution will be greatly more popularized; and it is one of the reasons why I plead so strongly at present for the independence of the church, that if we are obliged to give it up now to the patrons, we must give it up then to the people.”

It was resolved finally that the seven

ministers should be served with a libel, and the same course was pursued with regard to Mr. Edwards, the presentee to Marnoch. At the next quarterly meeting of the commission of the assembly, which took place on the 18th of November, the seven ministers appeared by their counsel, and replied at length to the libel, denying that the commission, "not being a court established or sanctioned by the laws of the land," had any lawful jurisdiction; and that, as the proceedings of the assembly had been declared by the civil court to be illegal, and the execution of its sentence had been interdicted by the court of session, the libel itself was a violation of the law of the land. Mr. Edwards also appeared by counsel, and gave great offence to the commission by describing the citation which had been served upon him as "a *pretended* libel at the instance of some person or persons unknown." Mr. Edwards himself had not been inactive during the months that the matter was agitated before the assembly and the commission. In obedience to the order of the civil court, the seven ministers had put him to his trials, and had declared him to be qualified, on the 19th of February, 1840. They were now called upon to complete their part in the process by ordaining him and admitting him to the charge. This call was repeated on several occasions during the latter half of the year, but the seven ministers, who still called themselves the presbytery, hesitated in proceeding until they had some further guarantee from the civil courts. Accordingly, an action was brought in the court of session, and a decree was issued against the presbytery of Strathbogie, including both its suspended and unsuspended members, ordering them forthwith to admit and receive Edwards as minister of the church and parish of Marnoch, or, in case of their refusing or neglecting to do so, they were condemned to pay to him the sum of eight thousand pounds sterling as damages, and the additional sum of two thousand pounds sterling as a reparation for the injury done to his character and prospects. This decision alarmed the evangelical party more than ever, and meetings of the presbyteries of Edinburgh and Glasgow were held, and strong resolutions passed, copies of which were sent to the government. The seven presbyters, however, bowed at once to the decree of the court, and having met at Keith on the 4th of January, 1841, they

agreed to assemble at Marnoch on the 21st, for the purpose of ordaining and admitting the new ministers. On the day appointed, although it was the depth of winter, a great crowd of spectators, both of strangers and of parishioners, assembled at the church of Marnoch to witness these novel proceedings, and when the door was opened, the church was immediately filled. One of the elders of the congregation, after putting a question as to the authority under which the seven ministers were acting, presented a protest, and then the parishioners retired in a body, leaving only the strangers, who were sufficiently numerous to fill the church, to witness the conclusion of the ceremony.

Matters had now come to a point at which the interference of the legislature seemed necessary, and early in March the duke of Argyll announced to the house of lords his intention of bringing in a bill for this purpose, and his bill was accordingly introduced on the 6th of May. It was an extension of the veto-law passed by the general assembly in 1834, differing from that in extending the right of veto from male heads of families communicants to all male communicants above twenty-one years of age, and in making a distinct provision for setting aside the veto where it should be proved that the opposition was due to faction or causeless prejudice. He assured the house that the assembly and the church were willing to receive this as a healing measure, and he dwelt on the injuries which had arisen from the arbitrary enforcement of the right of patronage on former occasions. It was evident from the first that this bill would meet with considerable opposition; but it was read a first time, and then by agreement allowed to stand over until after the approaching meeting of the general assembly.

The assembly met at Edinburgh on the 20th of May, 1841, and its first act was to strike off the roll the names of the commissioners who had been sent by the seven suspended ministers sitting as the presbytery of Strathbogie. The first debate of any importance related to the abolition of patronage, which arose out of certain overtures, or proposals, sent up from the inferior church judicatories. A motion was made by Mr. Cunningham, to the effect that, "The general assembly having considered the overtures anent patronage, resolve and declare, that patronage is an evil and a grievance; has been attended with great injury to the



interests of religion, and is the main source of the difficulties in which the church is now involved; and that its abolition is necessary, in order to put the whole matter of the appointment of ministers on a right and permanent basis." Many were opposed to this motion as being ill-timed and likely to injure the prospects of the duke of Argyll's bill, and Dr. Makellar proposed an amendment simply stating that it did not appear to be for the interest of the church and people to adopt it. Dr. Cook proposed a stronger amendment—"That the overtures against patronage should be dismissed;" which was eventually carried, though the numbers for the original motion and for Dr. Cook's motion, were very nearly equal. Next day the duke of Argyll's bill was brought under the consideration of the assembly, and the evangelical party in general declared their approbation of it, and their willingness to receive it as law. Mr. Candlish, who was a very active and prominent member of that party, moved a series of resolutions, the first of which declared it to be the resolution of the assembly to adhere to the principle of non-intrusion, and to acquiesce in no arrangement by which that principle was not fully recognised. The second resolution approved of the duke of Argyll's bill, as one calculated to "provide for the maintenance and practical application of the principle of non-intrusion as asserted by the church." A third resolution was, "That the present difficulties of this church are of so serious and alarming a character, that a measure fitted to put an end to the collision now unhappily subsisting between the civil and ecclesiastical courts in reference to the settlement of ministers, ought to unite in its support all who feel that they could conscientiously submit to its operation if passed into a law." These resolutions were warmly opposed by the moderate members of the assembly, and an amendment was moved by Dr. Hill, "That the bill lately introduced into the house of peers, by the duke of Argyll, does not appear either likely to pass into a law, or calculated, if it were, to relieve the church from the difficulties under which she labours, and that, in order to the attainment of this desirable end, the steps necessary for rescinding the veto act be taken." Dr. Hill subsequently withdrew that clause in his amendment which expressed a belief that the duke's bill would not pass. But, after two days' debate, the resolutions proposed by Mr.

Candlish were carried by a very large majority. The next matter which came before the assembly was the case of the Strathbogie ministers, who appeared at the bar on the 29th of May, attended by their counsel. They admitted all the facts charged against them in the libel, but pleaded that in obeying the civil courts and the law of the land, they had done nothing which merited punishment. Dr. Chalmers, however, pressed the case very strongly against them, and urged the danger of the church if her ministers were allowed to appeal from her decisions to the authority of civil courts. He said that the only power which could decide between the ecclesiastical and civil jurisdictions in this matter was that of parliament, and to that they were now applying, not without hope that it would decide in their favour. Dr. Chalmers concluded with the following motion:—"The general assembly approve and confirm the sentence of the commission of date 18th November, 1840, sustaining the relevancy of the libel, and they now find the libel proven, with the exception of the charge therein last mentioned, founded upon the serving upon the commission a notarial protest; and they find Mr. John Cruickshank, minister of Glass, Mr. William Cowie, minister of Cairnie, Mr. William Allardyce, minister of Rhynie, Mr. William Masson, minister of Botriphnie, Mr. James Walker, minister of Huntley, Mr. James Thomson, minister of Keith, and Mr. James Alexander Cruickshank, minister of Mortlach, guilty of the offences therein charged against them respectively, under exception of the before-mentioned charge founded upon the serving the commission with the notarial protest aforesaid,—and the general assembly, in respect of these offences, charged each by itself, and involving deposition independent of the others, do hereby depose Mr. Cruickshank, &c., from the office of the holy ministry." Dr. Cook, who again led the opposition to Dr. Chalmers' motion, proposed an amendment which helps to show the exact sentiments of the two great contending parties. It was as follows:—"The general assembly having most maturely considered the libel ordered by its commission in August to be served upon Messrs. John Cruickshank, &c., and the different subsequent proceedings connected therewith, find that the whole originated from the said ministers having yielded obedience to the supreme civil tribunals of the kingdom, in a matter

declared by these tribunals to affect civil rights, with which the church requires that its judicatories should not intermeddle, such declaration on the part of the civil tribunals being, in this case, in perfect conformity with the law and practice of the church; and hence, considering it incompetent for the ecclesiastical courts to pass any sentence of censure in regard to the proceedings to which the said declaration relates,—set aside these proceedings, dismiss the libel, and declare that the ministers named in it, and against whom it was directed, are in the same situation, in all respects, as to their ministerial state and privileges, as if such libel had never been served, and such proceedings had never taken place.” The speakers of the evangelical party exclaimed bitterly against the Erastian spirit which characterised Dr. Cook’s amendment and the speech with which he supported it, and sentence of deposition was carried by the usual majority which they now commanded in the assembly, and was pronounced with due solemnity, in spite of a protest against it by the moderate party. This protest was itself the subject of a debate next day. The ease of Mr. Edwards was next brought forward, and a resolution was passed, “That the general assembly approve and confirm the sentence of the commission, finding the libel relevant and proven: find Mr. Edwards guilty of the charges libelled: deprive him of his license as a probationer; and declare him incapable of accepting a call from any congregation, or of admission into any office as a minister of this church: and prohibit and discharge all ministers of the church from employing him to preach in their pulpits.” The assembly then authorised the settlement as minister of Marnoch, of Mr. Henry, who had been presented by the patrons after the rejection of Mr. Edwards by the church courts.

The next step of the seven ministers was to obtain an interdict from the court of session, against the moderator and all others, prohibiting them from carrying into effect the sentence of deposition, and a messenger-at-arms presented himself at the door of the assembly on the evening of Wednesday, the 29th of May, for the purpose of serving the officials of the assembly with it. When this was announced in the assembly, a messenger was sent to Holyrood-house to inform the lord commissioner, who immediately repaired to the place of meeting; but the messenger-at-arms had departed, leaving the

interdict in the hands of the door-keeper, with an intimation to the moderator to that effect. A good deal of animated discussion followed in the assembly, but the interdict was eventually laid on the table without being examined. Resolutions were, however, agreed to, strongly deprecating this new interference of the secular power in the spiritual court, although they were earnestly opposed by the moderate members.

The deposed members now petitioned the house of lords, and lord Aberdeen, when presenting their petition on the 15th of June, remarked with considerable bitterness on the position which the assembly had taken in the face of the civil power and of the law of the land. He declared that “the presumption manifested by the general assembly in these proceedings was never equalled by the church of Rome,—tyranny such as was exhibited in this case would annihilate the liberties of the people of this country,—but it surely would not be tolerated in the present day.” This feeling seemed to prevail in the legislature, and the duke of Argyll became convinced that it was useless to press his bill, when its further progress was stopped by an unexpected event—the dissolution of parliament and overthrow of the ministers; in consequence of which sir Robert Peel came into power. This statesman had already intimated his hostility to the claims of the general assembly, a circumstance which, probably exaggerated by those who repeated his words, was made great use of against him in the Scottish elections, and was commented upon in the newspapers in so many forms as to draw from sir Robert a letter to the duke of Argyll in vindication of himself, which was replied to by a letter from Mr. Dunlop, one of the most earnest of the leaders of the evangelical party. In the midst of these events, some of the principal leaders of the moderate party in the assembly had met in London, and there they published, “A statement for the presbytery of Strathbogie, and for the minority of the general assembly,” which was dated in June, 1841. It was signed by principal McFarlan, Dr. Hill, Dr. Bryce, Mr. Grant of Leith, and Mr. Robertson of Ellon, who declared their entire disapproval of the sentence pronounced against the Strathbogie ministers. “The minority,” it said “and those that adhere to them, cannot, in conscience, submit to this decision; they cannot, in conscience, whatever may be the



consequences, fail to act in opposition to it; as conviction is indelibly impressed on their minds, that by such submission, or even such failure to resist, they would act in palpable violation of their oaths of allegiance and of their ordinary vows." They asked, therefore, the protection of the state in the course their conscience thus dictated to them, and pointed out two ways in which this protection might be given. First, a declaratory act might be passed condemnatory of the assembly's proceedings; on which, however, they remarked—"There is reason to fear that in the present agitated state of the church, its (the legislature's) enactments, however correct and just in themselves, might prove, by their being suddenly presented to the public mind, the unhappy occasion, under the distorted views which by certain parties would be infallibly taken of them, of leading to schism, before they could be rightly understood." They, therefore, suggested as a second course, that the law officers of the crown should be instructed to maintain the authority of the civil courts in the case of the Strathbogie ministers, and that the penalties should be enforced against those who broke the interdicts.

While, however, the evangelical party avowed openly their intention to disregard the judgments of the civil courts, and acted upon this intention, the leaders of the moderate party paid the same disregard to the sentence of the assembly against the Strathbogie ministers. Towards the close of the month of July, Mr. Robertson of Ellon, Mr. Grant of Leith, and others, went to Strathbogie, and held ministerial communion with the deposed ministers by assisting them in dispensing the Lord's Supper. When the commission of the assembly met on the 11th of August, this proceeding, with the printed declaration drawn up in London, caused much excitement among the other party; and it was resolved, on the motion of Mr. Candlish, that, in order to vindicate the authority of the church, the several presbyteries to which the ministers now offending belonged, should be instructed to take their conduct into consideration, and to deal with them according to the laws of the church; and further, that a "solemn remonstrance and warning" should be prepared and addressed to those ministers, "for the purpose of pointing out the true nature of their conduct, and the deadly injury which, if persisted in, it must

needs inflict on the peace and unity of the church." This resolution was warmly opposed by Dr. Cook and others, who, when they found their opposition ineffectual, drew up a paper in which they gave their reasons of dissent, and announced their intention "to take such steps as may appear most effectual, for ascertaining from competent authority, whether we who now dissent and they who concur with us, or they who continue to set at naught the law of the land and the decisions of the supreme civil courts, in what we esteem a civil right, are to be held by the legislature of the country as constituting the established church, and as entitled to the privileges and endowments conferred by statute on the ministers of that church."

The moderate party had thus very adroitly placed their opponents in the place of aggressors, and the latter saw at once the critical position in which they stood. A special meeting of the commission was called, and held on the 25th of August, when there was a very large attendance of ministers and elders. A faint attempt was made to promote conciliatory measures, but it was of no avail; and a series of resolutions was proposed by Dr. Patrick McFarlan, declaratory of the principles advocated by the evangelical party and their determination to abide by them, but proposing a conference with the protesters in the hope of persuading them that they were in error. "What are the circumstances," he said, "in which we are called together this day? A protest was taken at the last meeting of the commission by twelve individuals. Of these, three were ministers of the gospel, one was a learned professor, and the remainder were elders of the church. They declared it to be their determination to take such steps as might appear to them effectual, for ascertaining from competent authority, whether the protesters and those who concur with them, or those who, they say, continue to set at naught the law of the land and the decisions of the supreme court, are to be held as the established church of Scotland. This language is abundantly plain. We have no difficulty in understanding its meaning. Application is to be made to the legislature for an act of parliament, the object of which is to cast us out from the church, and to keep themselves in it,—to deprive the church of the pastoral labours and superintendence of her present clergymen, and to introduce into the church

such as hold the principles to which I have referred, and those persons only." "At the reformation in Scotland," he continued, "there was a very beautiful and simple definition given of the church of Christ in this realm. It was declared to consist of those ministers of the holy evangel whom God in his mercy had raised up in this land, and of all who might succeed them in that office, and of such as communicate with them in word and ordinances. But the act of parliament for which our reverend brethren—I fear I must call them our reverend opponents—are about to sue the legislature, is an act in which a definition of a very different kind is to be given. The definition which they seek to have declared will be, that the church consists of those only who will give submission in all matters, whether civil or ecclesiastical, to the secular tribunals,—who will lay the church prostrate at the feet of the courts of law; and who, in doing so, I hesitate not to say, will cast aside the great and fundamental principles of the church of Scotland—that Christ is her only king and head, and that He has appointed her government in the hands of church officers, distinct from the civil magistrates." Dr. McFarlan's resolutions were supported by Dr. Chalmers, and were carried with only two dissentient voices. This meeting was followed by large public meetings in Glasgow and other places, in which the evangelical party declared strongly their resolution to support the majority in the assembly, while the moderate party remained comparatively quiet.

Just at this moment a new case arose in Aberdeenshire, in the presbytery of Garioch, where the presbytery proceeded in the settlement of a minister in the parish of Culsamond in a manner closely resembling that pursued by those of Strathbogie, except that, having their example before them, they proceeded to the completion of their settlement against the veto of the parishioners, much more directly and quickly. The ordination and admission took place on the 11th of November, 1841, and the matter was brought before the commission of the assembly in its meeting on the 17th of the same month. On account of the serious turn affairs were taking, the commission thought it advisable to remit the matter to its next meeting or to the ensuing general assembly, but, in the meanwhile, it prohibited the presentee, the Rev. William Middleton, from officiating and administer-

ing ordinances in the parish, and authorised the minority of the presbytery to meet and make arrangements for supplying his place in the spiritual direction of the parishioners. Mr. Middleton immediately applied to the lord ordinary, Ivory, to have the commission's prohibition set aside, and, on his refusal, obtained an interdict from the court of session, and with this set the commission at defiance.

The government now showed an inclination to assist in some arrangement for putting an end to the division in the church of Scotland, which was sought to be done by a proposed modification of lord Aberdeen's bill. A clause was suggested for this purpose by sir George Sinclair, which appears to have been alternately approved and disapproved by both parties, as they put different constructions upon it. The evangelicals seem to have clung still to the bill of the duke of Argyll; and, after long and tiresome negotiations, in which it was evident that the majority in the assembly were unwilling to accept anything less than the full concession of their demands which government was not prepared to make, the matter was dropped for the time. The rejection of this clause gave rise to a partial desertion from the ranks of the evangelical party.

In the month of January, 1842, the duke of Argyll and Mr. Campbell of Monzie, member of parliament for Argyllshire, both belonging to the evangelical party, had several interviews with the non-intrusion committee, the result of which was a resolution to introduce the duke's bill. On the 15th of March, on a motion of sir Andrew Leith Hay in the house of commons, for some papers connected with a recent settlement in a parish of which the crown was patron, sir James Graham stated that "the government had come to the decision, deeply regretting the necessity which had compelled them to do so, that it was not necessary for them to attempt legislating on the question, but that it was incumbent on them to stand by the law of the land, as laid down by the civil tribunals of the country." This drew a rather warm reply in defence of his party from Mr. Campbell of Monzie, who followed it up by moving for "a select committee to consider the constitution and principles of the church of Scotland, and to inquire into the causes of the collision between the supreme courts of that church, and the supreme civil courts, and to



report their observations thereon to the house: with power to send for persons, papers, and records.” Sir Robert Peel opposed the appointment of the committee, on the plea that it could produce no satisfactory result, and would only tend to widen instead of healing the breaches which already existed; and the motion was rejected by a very large majority. On the 14th of April, Mr. Campbell brought lord Argyll’s bill into the house of commons, which was thought a better field for it than the lords, and the second reading of it was fixed for the 4th of May, but he was induced to postpone it by a communication from the ministry to the effect that they were now seriously disposed to introduce a bill of their own, which they believed would satisfy the church. In the course of a very conciliating speech, sir James Graham said,—“I feel bound to state to the house, that since that time, from various quarters in Scotland, from parties entitled to the highest respect, as connected with the popular party, if I may so call it, in the church of Scotland, information has reached her majesty’s responsible advisers, which leads us to believe that a favourable opportunity for the settlement of these long-existing differences has arrived,—such as has not at any former period presented itself, and of which opportunity we are most anxious to avail ourselves. In consequence of these communications, it is my duty to state to my honourable friend, the member for Argyllshire, and to the house, that her majesty’s government have resumed the discussions with the party principally interested in the settlement of the question,—and without entertaining too sanguine an expectation, or wishing to raise such expectations on the part of the house, I may say that I do not despair that the result of these communications may lead to a favourable issue. Of this I am sure, that if the question is to be decided for the peace and permanent tranquillity of the people of Scotland, it must be by a measure introduced upon the responsibility of the executive government.” “The principles,” sir James went on to observe, “upon which alone the government are disposed to bring forward a measure for the settlement of the question, I will state very briefly. They are, first, to defend the civil right of the patron to his right of presentation; secondly, to defend and assert the undoubted right of the parishioners to make objections; and thirdly, to maintain what I

believe to be the right of the spiritual courts to decide upon the objections of the petitioners.” Some of the Scottish members declared their suspicions that ministers were only going to reproduce the bill of lord Aberdeen, which had already been refused by the general assembly, and they insisted upon dividing the house on the question of postponing Mr. Campbell’s bill. On a division, however, the proposal to delay the second reading of the bill was carried by a majority of a hundred and thirty-one votes to forty-three.

There were members of the evangelical party whose zeal was more moderate than that of their leaders, and who were not altogether satisfied at the rejection of lord Aberdeen’s bill, and still less so at the abandonment of the clause proposed by sir George Sinclair. These had now separated themselves from their old colleagues, and began to act with the minority in the assembly, although they did not at once identify themselves with the moderate party. They first avowed their defection at the April meeting of the synod of Glasgow and Ayr, where one of them, to give importance to their opposition, exclaimed, “there are forty of us in this synod;” from which circumstance this party became known as *the forty*. Their defection gave courage to the moderate party, and led to the general belief that there was want of unanimity in the ranks of their opponents.

The queen named as her commissioner to the general assembly of 1842 the marquis of Bute, a nobleman who it was supposed would be acceptable to the evangelical party, and whose appointment therefore might have a conciliatory effect. But he soon found that he was called to preside over men among whom there was little conciliation. The deposed ministers of Strathbogie had held their presbytery, under protection of the civil courts, and chosen two of their number and an elder from Aberdeen, as their commissioners to the assembly; while the minority of the presbytery had also chosen their representatives; so that there was a double return for this presbytery. The assembly, as might be expected, immediately rejected the nominees of the deposed majority of the presbytery, who thereupon obtained an interdict from the court of session prohibiting the other commissioners of the Strathbogie presbytery from taking their places. This gave rise to another exciting scene in the assembly; but it was finally de-

cided that no obedience should be paid to the interdict, and a resolution was passed by which the assembly, taking the responsibility on itself, invited the commissioners who had been approved to take their seats in the meeting and act as though no interdict had been issued.

Preparations were now made by the evangelicals for making their own direct appeal to the legislature, introductory to which it was resolved to enregister a decisive opinion of the assembly against the rights of patronage, which, it was represented, was the grand subject on which the civil courts laid claim to interference with the decisions of the church judicatories. The resolution on this subject, moved by the Rev. Mr. Cunningham, stated that the assembly "resolved and declared that patronage is a grievance, has been attended with much injury to the cause of true religion in this church and kingdom, is the main cause of the difficulties in which the church is at present involved, and that it ought to be abolished." Some of the evangelical majority were not prepared to go so far as this resolution implied, and voted against it; so that it was adopted by a smaller majority than usual, the numbers being two hundred and sixteen for the resolution, and a hundred and forty-seven against it.

The grand measure of this session of the assembly—the appeal to the legislature against the alleged usurpations of the courts of law, was brought before the assembly for discussion on the 24th of May. It opened with a general statement of the grievances complained of, supporting the allegations with civil as well as ecclesiastical authorities, and tracing the gradual progress of the successive invasions of the rights of the church. This bold and remarkable document concluded with the following claim, declaration, and protest, on the part of the church of Scotland:—"Therefore, the general assembly, while, as above set forth, they fully recognise the absolute jurisdiction of the civil courts in relation to all matters whatever of a civil nature, and especially in relation to all the temporalities conferred by the state upon the church, and the civil consequences attached by law to the decisions, in matters spiritual, of the church courts, do—in name and on behalf of this church, and of the nation and people of Scotland, and under the sanction of the several statutes, and the treaty of union hereinbefore recited—*claim, as of right*, that she shall freely possess and

enjoy her liberties, government, discipline, rights, and privileges according to law, especially for the defence of the spiritual liberties of her people,—and that she shall be protected therein from the foresaid unconstitutional and illegal encroachments of the said court of session, and her people secured in their christian and constitutional rights and liberties. And they *declare* that they cannot—in accordance with the word of God, the authorised and ratified standard of this church, and the dictates of their consciences—intrude ministers on reclaiming congregations, or carry on the government of Christ's church, subject to the coercion attempted by the court of session, as above set forth; and that at the risk and hazard of suffering the loss of the secular benefits conferred by the state, and the public advantages of an establishment, they must, as by God's grace they will, refuse so to do; for, highly as they estimate them, they cannot put them in competition with the inalienable liberties of a church of Christ, which, alike by their duty and allegiance to their Head and King, and by their ordination vows, they are bound to maintain, 'notwithstanding of whatsoever trouble or persecution may arise.' And they *protest*, that all and whatsoever acts of the parliament of Great Britain, passed without the consent of this church and nation, in alteration of, or derogative to, the aforesaid government, discipline, rights, and privileges of this church (which were not allowed to be treated of by the commissioners for settling the terms of the union between the two kingdoms, but were secured by antecedent stipulations provided to be inserted in the treaty of union as an unalterable and fundamental condition thereof, and so reserved from the cognizance and power of the federal legislature created by the said treaty), as also all and whatsoever sentences of courts in contravention of the same government, discipline, rights, and privileges, are, and shall be, in themselves void and null, and of no legal force or effect; and that while they will accord full submission to all such acts and sentences in so far, though in so far only, as these may regard civil rights and privileges, whatever may be their opinion of the justice and legality of the same, their said submission shall not be deemed an acquiescence therein, but that it shall be free to the members of this church, or their successors, at any time hereafter, when there shall be a prospect of obtaining justice, to



claim the restitution of all such civil rights and privileges, and temporal benefits and endowments, as for the present they may be compelled to yield up, in order to preserve to their office-bearers the free exercise of their spiritual government and discipline, and to the people the liberties of which, respectively, it has been attempted, so contrary to law and justice, to deprive them. And, finally, the general assembly call the christian people of this kingdom, and all the churches of the reformation throughout the world who hold the great doctrine of the sole headship of the Lord Jesus over his church, to witness that it is for their adherence to that doctrine, as set forth in their confession of faith, and ratified by the laws of the kingdom,—and for the maintenance by them of the jurisdiction of the office-bearers, and the freedom and privileges of the members of the church from that doctrine flowing, that this church is subjected to hardship, and that the rights so sacredly pledged and secured to her are put in peril; and they especially invite all the office-bearers and members of this church, who are willing to suffer for their allegiance to their adorable King and Head, to stand by the church, and by each other, in defence of the doctrine aforesaid, and of the liberties and privileges, whether of office-bearers or people, which rest upon it; and to unite in supplication to Almighty God, that He would be pleased to turn the hearts of the rulers of this kingdom, to keep unbroken the faith pledged to this church in former days, by statutes and solemn treaty, and the obligations come under to God himself, to preserve and maintain the government and discipline of this church in accordance with His words—or otherwise that He would give strength to this church, office-bearers, and people, to endure resignedly the loss of the temporal benefits of the establishment, and the personal sufferings and sacrifices to which they may be called, and would also inspire them with zeal and energy to promote the advancement of His Son's kingdom, in whatever condition it may be His will to place them; and that, in His own good time, He would restore to them these benefits, the fruits of the struggles and sufferings of their fathers in times past in the same cause, and thereafter give them grace to employ them more effectually than hitherto they have done, for the manifestation of His glory."

This "claim of rights," as it was called,

was recommended to the assembly by Dr. Chalmers, in one of his most vehement addresses, and was seconded by Dr. Gordon. The moderate members of the assembly saw that it was in vain to oppose the torrent directly, and they met the motion by an amendment consisting of a series of resolutions deprecatory of the threatened separation in the church and of all the proceedings which were leading to it, and summing up with the conclusion that, "there exists at present great security against the settlement of unqualified and unjustifiable ministers, whilst ample opportunities are afforded to the office-bearers of the church, as members of the different ecclesiastical judicatories, to propose, in a legal and constitutional manner, any measures which may appear to them calculated to increase that security." The debate was continued with great warmth and earnestness until three o'clock on the following morning, when, on a division, the claim of rights was adopted by two hundred and forty-one voices against a hundred and ten. The dominant party in the Scottish church thus declared that they would accept only of one alternative—if their full demands were not yielded by the legislature, they would abandon the establishment. Before the assembly closed, it was moved and resolved, on Monday, the 30th of May, that a copy of the claim of rights should be sent to the queen, and the marquis of Bute undertook to be the organ of conveying this as well as the petition of the assembly, against patronage, to the throne; but in so doing he intimated his wish to be distinctly understood as expressing no approbation of it. He placed these documents in the hands of sir James Graham on the 17th of June, and sir James replied to him on the 20th in a letter which the marquis immediately communicated to the moderator of the general assembly. "If," the minister said in this letter, "the presentation of these documents to the queen implied, in the least degree, the adoption of their contents, I should not hesitate to declare, that a sense of duty would restrain me from laying them before her majesty; but as the language used in the two addresses is respectful, and as the inclosure purports to be a statement of grievances from the supreme ecclesiastical authority in Scotland, I am unwilling to intercept their transmission to the throne. I shall, therefore, lay before the queen your lordship's letter, with all the documents accompanying it, declaring, at

the same time, that this act is not to be regarded as any admission whatever of the claim of rights, or of the grievances which are alleged."

Meanwhile, as the government saw by all these symptoms that it would be useless to bring forward any intermediate measure, they gave up their design of bringing in a bill on the subject; and on the 15th of June, the day to which the second reading of the bill of Mr. Campbell of Monzie had been postponed, he and his friends were prepared to go on with it. But a new difficulty was found, which put a stop to all further proceedings. It was the object of the bill to modify the law of patronage, if not to abolish it, and the crown held the patronage of a great number of the churches to which the bill was intended to apply. The speaker now announced that no bill which affects any of the rights of the crown can be introduced into parliament till the consent of the crown has been obtained. As this objection was insisted upon, the measure brought in by Mr. Campbell necessarily fell to the ground.

The assembly and its commission were still occupied with the now minor consideration of recalcitrant ministers and presbyteries, and lord Kinnoul and Mr. Young had not given up the Auchterarder case. As the presbytery of Auchterarder refused to obey the civil court in taking Mr. Young upon trial, the court had awarded him damages against the members of the presbytery to the amount of ten thousand pounds, and this decision was finally confirmed by the house of lords, on the 9th of August (1842), the judges who pronounced this decision being lords Lyndhurst, Cottenham, Brougham, and Campbell. When this decision was known, some of the leaders of the evangelical party consulted together, and put their names to a circular calling an extraordinary meeting, or convocation, of their party, to assemble on the 17th of November. "You must be aware," said this circular, "that the late decision of the house of lords, in the case of Auchterarder, has practically placed the church of Scotland in a state of subordination to the civil courts such as no past generation of presbyterian ministers in this country would have submitted to, and such as all, until within these few years, would have regarded as something too violent and unnatural to be ever realised. In these circumstances, it appears expedient that those ministers

who hold the supreme jurisdiction of the church, in things spiritual, to be indispensable to the maintenance of a pure gospel in the land, should have an opportunity of full and unreserved converse with each other,—in order that their common mind on this vitally momentous question may be distinctly ascertained, and such an expression of it given forth as, by the blessing of God, may have the effect of removing that aggression of the civil power, which, if not removed, must speedily terminate in the degradation and overthrow of our national establishment." The 17th of November had been chosen as the day of meeting, because it was the day immediately following that of the quarterly meeting of the commission of the general assembly. In this meeting, a committee was appointed to prepare and transmit a memorial to government on the subject of the late decision of the courts of law, and of the claim of right which had been sent up by the assembly. Next day the convocation was held in Roxburgh church, a small place of worship in an obscure part of Edinburgh, chosen on that account as likely to give more privacy to the meeting. Every effort had been made to bring together on this occasion every minister of the evangelical party from one extremity of Scotland to the other, and so successfully that no less than four hundred and sixty-five ministers attended. A series of resolutions was agreed upon, in accordance with the principles set forth in the "claim of right," and it was resolved in conclusion, "That it is the duty of the ministers now assembled, and of all who adhere to their views, to make a solemn representation to her majesty's government, and to both houses of parliament, setting forth the imminent and extreme peril of the establishment, the inestimable value of the benefits which it bestows on the country, and the pain and reluctance with which they are forced to contemplate the possibility of the church's separation, for conscience sake, from the state,—respectfully calling upon the rulers of this nation to maintain the constitution of the kingdom inviolate, and to uphold a pure establishment of religion in the land,—and, finally, intimating that as the endowments of the church are undoubtedly at the disposal of the supreme power of the state, with whom it rests either to continue to the church her possession of them, free from any limitation of her spiritual jurisdiction and freedom, or to with-



draw them altogether; so it must be the duty of the church, and consequently in dependence on the grace of God, it is the determination of the brethren now assembled,—if no measure such as they have declared to be indispensable be granted,—to tender the resignation of those civil advantages which they can no longer hold in consistency with the free and full exercise of their spiritual functions, and to cast themselves on such provision as God, in his providence, may afford,—maintaining still uncompromised, the principle of a right scriptural connexion between the church and state, and solemnly entering their protest against the judgments of which they complain, as, in their decided opinion, altogether contrary to what has ever hitherto been understood to be the law and constitution of this country.” Three hundred and fifty-four of the ministers who attended the convocation put their signatures to these resolutions. It was further agreed that an address to the people of Scotland should be drawn up and printed, which was circulated in great numbers throughout that part of the island, and a memorial was addressed to the members of the government. They told the ministers of the crown, in this document, that—“They feel that the time is come when the final determination of this question can be postponed no longer; and as they cannot disguise from themselves, so neither would they deem it right to conceal from the government and the country, the inevitable result of a continued refusal, on the part of the legislature, of that indispensable measure of relief which they think they have a good right to ask, and good reason to expect. Their situation, in truth, is most painful and embarrassing. They cannot conduct the affairs of the church in the manner which the civil courts have prescribed; they could not themselves remain in the communion of a church which should agree to regulate her procedure according to the principles now held to be involved in the civil law: nor can they allow others, in the same communion, to do so. But it is well known that a large minority of the church’s office-bearers are prepared, in obedience to the civil courts, to cast off her authority; and were the church, while continuing to claim the advantages secured to her by law, to persevere, as she must in principle do, in maintaining her discipline over all who, under whatever civil sanction or compulsion, transgress her orders and violate her laws,

founded, as she believes, on the word of God, not only would she be exposed to grievous obloquy and reproach, but a spectacle both painful and scandalous must, in all probability, be exhibited, of two sections of the same church striving with one another in the use of civil pains on the one hand, and spiritual censures on the other.” Considering this, “the memorialists are not ashamed to confess, that they shrink from such an exhibition as would thus be presented before the people of Scotland,—and this is one practical consideration, among others, which has weighed much in determining them to bring this whole question to a final issue,—and to retire from their position, as connected with the establishment, rather than prolong an unseemly contest with the civil courts which deny, and with their own brethren who set at nought, their jurisdictions; a contest which could not fail to be attended with most disastrous consequences, affecting both the majesty of law and the highest interests of religion.” In conclusion, “the memorialists beg leave very respectfully to remind her majesty’s government, of the obligation under which states and their rulers lie to Him by whom kings reign and princes decree justice; whose cause they are bound to espouse, whose church it is alike their interest and their duty to support and secure in all the freedom with which He has endowed it. The memorialists deeply feel the solemnity of the question now submitted to the decision of parliament and of the nation; it being in the spirit of the memorialists nothing less than the question whether the church, unalterably established in Scotland, is to be preserved inviolate, according to the faith of treaties,—or whether this great kingdom is to commit, as the memorialists would regard it, the heinous national offence of not only breaking the national faith, but disowning the authority of Christ in his own house, and refusing to recognise His church as a free spiritual society, instituted by Him, and governed by His laws alone.”

Another recent act of the assembly, under the influence of the evangelical party, was now called in question. By the chapel act of 1834, a considerable body of the clergy had been brought into the general assembly, who had not before been capable of bearing office in the church. In the August of 1839, the Rev. James Clelland, a minister of Stewarton in the presbytery of Irvine, was elected into that presbytery, and steps

were taken according to the provisions of the chapel act, to form a parochial district for him; but they had not proceeded far before some of the heritors of Stewarton intimated their objections to this measure, and the right of Mr. Clelland to sit in the presbytery was disputed. Notes of suspension and interdict were subsequently obtained from the court of session, prohibiting the presbytery from innovating on the existing state of the parish, and Mr. Clelland from sitting, acting, and voting as a member of the presbytery. When the presbytery next met, its members were divided in opinion, and it was decided by a majority to refer the matter to the assembly. This new case of collision between the church and the civil courts went on much in the same way as those connected with the question of patronage, until on the 20th of January, 1843, the final decision of the court of session was pronounced against the church. Earlier in the same month, the government had sent its reply to the claim of rights and the petition against patronage, which were also adverse to the claims of the church. Under these circumstances a special meeting of the commission of the assembly was held on the 31st of January, at which Dr. Cook, relying on the recent judgment of the court of session, moved that all who sat in the commission under the chapel bill should be removed as incapable of sitting there, and when he found that this motion could not be carried, he entered a protest against the commission as illegally constituted, and then with the other members of the moderate party withdrew. The commission then proceeded to pass resolutions adhering to the petition of rights, and condemning the view of it taken by the government, and they resolved to make a final appeal to parliament. A petition was accordingly drawn up and presented to the house of commons, by Mr. Fox Maule, on the 10th of February. On the 7th of March, Mr. Fox Maule brought the subject formally before the house, by moving for a committee to inquire into the grievances of which the petitioners complained. The motion was opposed by sir James Graham, who declared that he considered the claim of rights, and the expectation implied in it of having a law and jurisdiction acknowledged which was independent of, and contrary to, the law of the land, to be so unjust and unreasonable, "that the sooner that house extinguished it the better,

because he was satisfied that any such expectation never could be realised in any country in which law, equity, or order, or common sense prevailed." Sir Robert Peel was equally decided against the petitioners; and after a debate of two nights, in rather a thin house, the motion was rejected by two hundred and eleven votes against seventy-six. Of the thirty-seven Scotch members who were present, twenty-five voted with Mr. Maule, and twelve against him.

All hope was thus destroyed of obtaining an acknowledgment by the legislature of the claims of the evangelical party in the Scottish church, and they had now no alternative but to yield, or to separate themselves from the establishment. They chose the latter course. A committee was formed under the management of Dr. Chalmers for raising funds by voluntary subscription for the support of the ministers who should relinquish the incomes which they had hitherto received from the establishment, and to support a church on the "voluntary system," which had always been a favourite project with many of those who were now acting with him. Meanwhile meetings were held by the evangelical party, and a protest was drawn up, throwing all the blame of the approaching disruption on the supreme civil power, which was soon numerously signed. On the other side, the moderates, protesting against the rights of those who sat in the church courts, tried to divide the presbyteries in the elections of commissioners to the general assembly wherever they could, and no less than twelve different presbyteries made double returns; that is, each sent up two sets of commissioners, one set elected by the evangelical party, and the other by the moderate party, each party asserting that its commissioners alone were duly and legally elected.

The day of meeting of the general assembly was Thursday, the 18th of May, and the marquis of Bute attended as the queen's commissioner. The sermon, preached by Dr. Welsh, the moderator of the former assembly, dwelt strongly on the important question which was now uppermost in everybody's mind. The assembly was held in St. Andrew's church, and no sooner were the preliminary ceremonies over, than Dr. Welsh rose and addressed the meeting as follows:—"Fathers and brethren, according to the usual form of procedure, this is the time for making up the roll; but in consequence of certain proceedings affecting our



rights and privileges—proceedings which have been sanctioned by her majesty's government and by the legislature of the country—and more especially in respect that there has been an infringement on the liberties of our constitution, so that we could not now constitute this court without a violation of the terms of the union between church and state in this land, as now authoritatively declared, I must protest against our proceeding further. The reasons that have led me to come to this conclusion are fully set forth in the document which I hold in my hand, and which, with the permission of the house, I shall now proceed to read." He then produced the protest of the evangelical party, which was signed by two hundred and three members of the assembly, and which began with stating—"We, the undersigned ministers and elders, chosen as commissioners to the general assembly of the church of Scotland, indited to meet this day, but precluded from holding the said assembly, by reason of the circumstances hereinafter set forth, in consequence of which a free assembly of the church of Scotland, in accordance with the laws and constitution of the said church, cannot now be holden,—consider, that the legislature, by their rejection of the claim of rights adopted by the last general assembly of the said church, and their refusal to give redress and protection against the jurisdiction assumed and the coercion of late repeatedly attempted to be exercised over the courts of the church, in matters spiritual, by the civil courts, have recognised and fixed the conditions of the church establishment, as henceforward to subsist in Scotland, to be such as these have been pronounced and declared by the said civil courts in their several recent decisions, in regard to matters spiritual and ecclesiastical." After stating the various questions involved in these decisions, the protest went on—"We, therefore, the ministers and elders aforesaid, on this the first occasion since the rejection by the legislature of the church's claim of rights, when the commissioners chosen from throughout the bounds of the church to the general assembly appointed to have been this day holden, are convened together, do protest that the conditions aforesaid, while we deem them contrary to and subversive of the settlement of church government, effected at the revolution, and solemnly guaranteed by the act of security and treaty of union, are also at variance with God's word, in opposition to the

doctrines and fundamental principles of the church of Scotland, inconsistent with the freedom essential to the right constitution of a church of Christ, and incompatible with the government which He, as the head of His church, hath therein appointed, distinct from the civil magistrate. And we further protest, that any assembly constituted in submission to the conditions now declared to be law, and under the civil coercion which has been brought to bear, in the election of commissioners to the assembly this day appointed to have been holden, and on the commissioners chosen thereto, is not, and shall not be deemed a free and lawful assembly of the church of Scotland, according to the original and fundamental principles thereof, and that the claim, declaration, and protest, of the general assembly which convened at Edinburgh in May, 1842, as the act of a free and lawful assembly of the said church, shall be holden as setting forth the true constitution of the said church, and that the said claim, along with the laws of the church now subsisting, shall in nowise be affected by whatsoever acts and proceedings of any assembly constituted under the conditions now declared to be the law, and in submission to the coercion now imposed on the establishment. And, finally, while firmly asserting the right and duty of the civil magistrate to maintain and support an establishment of religion in accordance with God's word, and reserving to ourselves and our successors to strive by all lawful means, as opportunity shall, in good providence, be offered, to secure the performance of this duty agreeably to the scriptures, and in implement of the statutes of the kingdom of Scotland, and the obligations of the treaty of union, as understood by us and our ancestors, but acknowledging that we do not hold ourselves at liberty to retain the benefits of the establishment while we cannot comply with the conditions now deemed to be thereto attached,—we protest, that in the circumstances in which we are placed, it is and shall be lawful for us, and such other commissioners chosen to the assembly appointed to have been this day holden, as may concur with us, to withdraw to a separate place of meeting, for the purpose of taking steps for ourselves and all who adhere to us—maintaining with us the confession of faith and standards of the church of Scotland as heretofore understood—for separating, in an orderly way, from the

establishment; and thereupon adopting such measures as may be competent to us, in humble dependence on God's grace and the aid of the Holy Spirit, for the advancement of his glory, the extension of the gospel of our Lord and Saviour, and the administration of the affairs of Christ's house, according to his holy word: and we do now for the purpose foresaid withdraw accordingly, humbly and solemnly acknowledging the hand of the Lord in the things which have come upon us, because of our manifold sins and the sins of the church and nation; but, at the same time, with an assured conviction, that we are not responsible for any consequences that may follow from this our enforced separation from an establishment which we loved and prized—through interference with conscience, the dishonour done to Christ's crown, and the rejection of His sole and supreme authority as king in His church."

When he had concluded the reading of this protest, Dr. Welsh laid it upon the table, and, after bowing respectfully to the queen's commissioner, walked solemnly out of the assembly. He was followed by Dr. Chalmers, and then by others of the leaders of his party in the church, and finally by all those who acted with them. They were received in the street by a numerous crowd, who congratulated them with loud cheers, and they proceeded to a large hall which had been taken in the suburb of Canonmills, at the northern extremity of Edinburgh, in which they again assembled, and Dr. Welsh, having taken the chair, opened the meeting with a solemn prayer. He then addressed the meeting, and proposed Dr. Chalmers as moderator of what he claimed to be the "free assembly." The choice was approved unanimously and enthusiastically, and the new moderator immediately assumed the chair. Dr. Chalmers then addressed the assembly on their prospects, and they proceeded to choose clerks. The protest was then read again, and was ordered to lie on the table for further signatures; and a committee was appointed to consider in what way those who had signed it should give in the renunciation of their livings. The "free assembly" continued its sittings until Tuesday, the 30th of May. A deed of demission, drawn up according to the forms of law, was laid upon the table on the 23rd of May, in which, after repeating the substance of the protest, those who had signed it made the following declaration:—

"And further, the said ministers and elders, in this their general assembly convened, while they refuse to acknowledge the supreme ecclesiastical judicatory established by law in Scotland, and now holding its sittings in Edinburgh, to be a free assembly of the church of Scotland, or a lawful assembly of the said church, according to the true and original constitution thereof, and disclaims its authority as to matters spiritual, yet in respect of the recognition given to it by the state, and the powers in consequence of such recognition belonging to it with reference to the temporalities of the establishment, and the rights derived thereto from the state, hereby appoint a duplicate of this act, to be subscribed by their moderator, and also by the several ministers, members of this assembly, now present in Edinburgh, for their individual interests, to be transmitted to the clerk of the said ecclesiastical judicatory, by law established, for the purpose of certiorating them, that the benefices held by such of the said ministers, or others, adhering to this assembly, as were incumbents of benefices, are now vacant, and the said parties consent that the said benefices shall be dealt with as such." This deed of demission was signed eventually by four hundred and seventy-four ministers.

To return to the general assembly in St. Andrew's church, when the protesters had withdrawn, the party called "the forty" stepped forward to occupy their places, and they, with the moderate party, now proceeded to constitute the assembly, and to proceed with the business which was to come before them in that capacity. One of their earliest acts was to reverse those of the late evangelical majority. On the morning of Monday, the 22nd of May, the question of the veto law was brought before the assembly, and Dr. Cook proposed to consider it as an act null and void in itself, and moved that "it be an instruction by the general assembly to all presbyteries, that they proceed henceforth in the settlement of parishes according to the practice which prevailed previously to the passing of that act." "The forty" opposed this way of proceeding, alleging that as the veto law was a *bona fide* act of the church, it ought to be repealed in a constitutional way, and it was moved as an amendment that an overture should be transmitted to the presbyteries for the repeal of this act in the old constitutional way. In the course of the



debate, principal Lee expressed doubts as to the assembly as it then stood exhibiting a full representation of the church. He objected that twenty presbyteries and various burghs were not represented at all; and said that he hesitated with regard to the degree of weight which might be given to a house so inadequately representing the church. He would have no hesitation in agreeing to any motion suspending the operation of this act till another general assembly should meet; as that was a different thing from absolutely and in all time coming undoing what had been done by a former assembly. This objection, however, was overruled, and Dr. Cook's motion was agreed to without a division. The same day "the forty" made a still firmer stand against the proposal of Dr. Mearns that the sentences of suspension and deposition which had been pronounced against the seven ministers should be considered as being *ab initio* null and void, and that without more ado those ministers were to be held and recognised as having always been, and as being then, in full possession of all their ministerial and presbyterial rights and privileges. Mr. Storie of Roseneath, who appeared as the leader of "the forty," went so far as to say that he feared, if this proposal were persevered in, it would lead to another secession; but, after some debate, Dr. Mearns's motion was carried by a majority of a hundred and forty-eight voices against thirty-three, and no further opposition was offered to it. Next day, the act of 1833, admitting the ministers of the parliamentary churches to be office-bearers, that of 1834, admitting the ministers of chapels of ease to the same rights, and that of 1839, giving them to the ministers of the associate synod who had then returned to the communion of the established church, were expunged from the church records as having been incompetently passed. From general acts, the assembly proceeded to persons, and Mr. Edwards and Mr. Middleton were cleared of censure and their settlements confirmed, and his license was restored to Mr. Clark, the presentee to Lethendy.

On the 24th of May, the assembly took under its consideration the protest and the act of disrapture. Dr. Cook moved that the churches of those ministers who had signed the protest should at once be declared vacant, and that the necessary steps should be taken to have a similar declaration

pronounced in regard to all other ministers who should adhere to the protest. "It will be proper," Dr. Cook said in the course of his speech, "that an examination of the minutest kind should be made of this protest; that a formal answer to it should be drawn up, which should be widely circulated throughout the country. We are, I have no doubt," he went on to say, "agreed upon the point, that the pleas put forth by the protesters are in a very great degree fallacious pleas; that their views of acts of parliament are erroneous views; and we are perfectly as one in this, that their interpretations of these acts are not interpretations which, down to the last assembly, have ever been put upon the statutes, or were considered by the assembly to be legitimate interpretations. I therefore think it necessary, and it should be understood, that there is to be a committee appointed to prepare such a minute answer as I have suggested, and that that will be done after the discussion of this day." This motion was adopted unanimously, and the committee appointed accordingly. The report of this committee, which was brought up on the morning of Monday, the 29th of May, the day when the assembly closed its session, was not considered sufficiently explicit, and several unsuccessful attempts were made to effect the object by a series of resolutions. A motion was at last made by Mr. Robertson of Ellon, to the effect "that a paper so important as the protest under consideration, requires to be answered with greater care, and with fuller leisure for mature deliberation than it has been found possible to give it, during the pressure of business which the assembly have had to sustain; and also that, in questions involving important points of jurisdiction, the bearings of the various judgments which have been recently pronounced by the civil courts in the numerous cases that have arisen from the illegal maintenance, on the part of the church, of the act on calls, and of the act with reference to parliamentary and *quoad sacra* churches, should be very carefully and maturely considered,—the general assembly recommit the whole case for the further consideration of their committee, and instruct them accordingly to report on the whole case to the commission in August." The report was duly given in to the August commission when it met, and was appointed to be taken into consideration on the following day, but when that day

came the commission could not be constituted for want of a quorum, and the answer to the protest seems to have dropped.

The queen's letter to this assembly contained the following passage:—"The church of Scotland, occupying its true position in friendly alliance with the state, is justly entitled to expect the aid of parliament in removing any doubts which may have arisen with respect to the right construction of the statutes relating to the admission of ministers. You may safely confide in the wisdom of parliament, and we shall readily give our assent to any measure which the legislature may pass, for the purpose of securing to the people the full privilege of objection, and to the church judicatories the exclusive right of judgment." The evangelical party looked upon this paragraph as a derisory offer of lord Aberdeen's bill, while the assembly which they had left having reduced things to the condition in which they stood previous to these disputes, was inclined strongly to

the opinion that no bill of any kind was now necessary. In deference, however, to lord Aberdeen, the assembly after some discussion agreed to a paragraph in their answer to the queen's letter intimating their willingness to accept of an act of the nature which that letter implied. Accordingly, a bill to regulate the admission of ministers, similar in principle to that which had before been proposed by lord Aberdeen, was brought by him into the house of lords on the 13th of June, 1843, and, though it met with some obstinate opposition, was carried successfully through the legislature. Next year, a bill was brought in by sir James Graham, which also passed into law, excluding the ministers of the *quoad sacra* churches from the government or courts of the church, and making an endowment of a hundred and twenty pounds a-year, and the consent of a majority of the heritors of the parish and of the court of teinds, necessary to the establishment of a new congregation.

THE END.



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THE  
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OF

SCOTLAND;

FROM

RELIEST PERIOD

TO THE

PRESENT TIME.

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# ILLUSTRATIONS.

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## PREFACE.

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It is the object of the volumes now offered to the public to supply the general reader with a History of Scotland which shall be at the same time complete in matter and details and sufficiently popular in form, while its important points are related and investigated with as much impartiality as possible. There are so many periods in Scottish history marked by hostility of political feeling, the bitterness of which is not yet entirely forgotten, that it is difficult for a writer to enter upon them without falling more or less under the influence of party prejudices, which detract from the usefulness of most of the previous historians, who seem often to have written almost for the purpose of advocating a party or of sustaining a cause. It has been the aim of the writer of the present Work to give as far as possible a truthful narrative of facts, with as little colouring as the character of the materials will allow, and these unfortunately present too often the prejudiced impressions of those from whom we derive them without sufficient means of correcting them.

It is hardly necessary to remark that the original material of Scottish history from which we derive our information differs very much in its quantity and still more in its value, and the spirit of modern criticism has justly rejected as utterly unauthentic much which our older historians adopted without hesitation. It is hardly necessary to inform the general reader that the annals of all nations who boast of any antiquity commence in absolute fable, and that many ages of their existence passed before they were capable of transmitting to their descendants any written records of historical events, the place of which was still occupied by loose traditions, preserved orally, and so distorted and disfigured, when not absolutely displaced, that we can with difficulty make any historical use of them. We have a few scanty notices of Scotland in the Greek and Latin, and in later foreign writers, which give us occasional glimpses of the condition of the country and people who inhabited it at a very remote period, but they form no connected story. I leave the poems attributed to Ossian out of the question, for the critical discussion which these poems have undergone has so long gone strongly against

their authenticity, that it would at least be very dangerous to make any use of them in a sober history. Indeed all the native annalists of Scotland, until at least the eleventh century, inspire very little confidence, much of what they relate bearing upon its face the character of fable, while the rest can be considered as no better than vague popular traditions, the truth or falsehood of which we have no means of verifying. Of these materials I have adopted such as appear to me most trustworthy or probable, and as such only I wish them to be received by the reader. After the eleventh century, we soon find Scottish annalists who were contemporary or nearly contemporary with the events they relate, and the relations between England and Scotland, whether hostile or friendly, become so intimate, that we have frequently the narrative of the chroniclers of the one country, to check or correct that of those of the other. On such records as these last mentioned, which, though far more copious and trustworthy than anything which preceded, are still necessarily imperfect, we depend for the history of Scotland during the middle ages. With the wars of the Edwards, and the writings of Fordun, Barbour, Wyntoun, and their contemporaries and successors, Scottish history becomes first copious and satisfactory. From this time the materials of history are far more abundant, but the labour of sifting them is increased proportionally; for each writer is distinguished by his own one-sided views, and his motive for recording events is often a pique against some of those concerned in them, or the wish to panegyrisé others, or some other personal motives equally liable to make him collect stories which served his purpose without inquiring into their correctness, or intentionally to give a false or exaggerated colouring to them, or even sometimes to invent stories which had no foundation in truth.

With the commencement of the sixteenth century, another class of materials make their appearance in the State Papers, which thenceforward throw a new light on the causes and motives of public transactions. The volumes of these invaluable documents published by the English State-Paper Commission, and the printed correspondence of Sir Ralph Sadler, Henry VIII.'s ambassador to Scotland, have furnished the main portion of the history of the reign of James V., and the details in these letters are so truthful and picturesque, that I have often given them in the words of the writers. We now also begin to derive great advantage from the valuable, though not always strictly correct, contemporary history by George Buchanan. No one can justly accuse Buchanan of intentional misrepresentation, but he appears sometimes prejudiced by political or personal partialities, and his memory evidently failed and misled him in relation to some of the events which he had witnessed in earlier life.

We next arrive at an important period of Scottish history, that of the religious reformation, when the form of presbyterial church government was first



established which has continued to the present day. This Work was not intended to be an ecclesiastical history of Scotland, but the church at times acted so prominent a part in political events, and even momentarily absorbed the whole power of the state, that it is impossible to understand the civil history of the country without entering into the church history at the same time. At the moment when the presbyterians were triumphing over the catholics, but while the catholic party remained still very formidable, Mary Stuart arrived in Scotland to become the instrument of the latter, and to commence a reign of extraordinary turbulence and scandal. The character of this unfortunate princess has since become a sort of battle-ground between the catholic party and the stricter protestants, and her history has been written generally by ardent partisans who have disfigured it with special pleading and quibbling discussion from which it seems difficult to relieve it: even in the most recent life of Mary Queen of Scots which has appeared in this country, the writer has merely suppressed or rejected all the evidence against her, and exaggerated what can be said in her favour. In the history of her reign in the present Work, I have endeavoured as much as possible to let the original records tell their own tale, which appears to me to be a very simple and clear one, and I have used all the records that are accessible, not omitting even those so recently published that they have been used by no historian before. Among these materials certainly the most important are the large collection of Mary's own letters published lately in seven volumes 8vo, by Prince Labanoff; and the interesting collection of documents relating to Scotland from the archives of France, published still more recently in two enormous 4to volumes by M. Alexandre Teulet, for the Bannatyne Club. These latter documents have for the first time been made use of in the present history, and I have employed them copiously.

It was on the deposition of Mary that the Scottish church began to assume a more active position in the state, and during the earlier part of the reign of James VI., it was engaged in a constant struggle first for its patrimony and next for power, in the course of which James appears to have imbibed a settled hatred to the presbyterian form of government. After his accession to the English throne, his whole life was a continued effort to suppress presbyterianism, and introduce an episcopacy which had more of the spirit and forms of the old Romish hierarchy than was preserved even in England. His policy, persevered in by his son and successor, was especially obnoxious not only to the people, who looked with the bitterest hatred on everything that was Romish, but to the nobility, some of whom were sincerely attached to presbyterianism, and others were afraid of losing the church lands which they had obtained at the time of the Reformation, while the attempt to raise the spirit of the old faith was combined with the resolution to establish a political despotism of the most degrading description.

The consequence was a succession of unexampled struggles and sufferings, in which the church acted the most prominent part, and which ended in the overthrow of royalty. We have excellent contemporary annalists of this period, among whom stand prominent the stern presbyterian Calderwood and the episcopalian Spottiswode, both whose labours have been largely used in the present Work.

With the triumph of the parliament in its struggle against King Charles, the supreme power in Scotland fell into the hands of the church, which became so powerful that it was able almost to impose the presbyterian form of church government on England. Divisions, however, soon rose within itself, which show us how unfitted any ecclesiastical establishment is to carry on with advantage the civil government of a country. The misgovernment which followed was put an end to by Cromwell, under whom the presbyterian church was held within very strict limits. The restoration of royalty raised the hopes of the presbyterians only to disappoint them cruelly, and the reigns of the two last of the Stuarts form one of the darkest periods in the whole range of Scottish history. It is full of the deepest interest, and is sprinkled with events of the most romantic character. The church is again the great actor in it, and its more striking events have been recorded in the autobiographical writings of many of the ministers and others who outlived the sufferings of its persecutions, as well as in several valuable contemporary histories, such as the voluminous work of Woodrow, as well as in the exculpatory memoirs of many of those who had either been direct persecutors, or had at least supported and been employed under the government.

There is a mass of similar materials for the history of the period which followed the revolution of 1688, an event which brought liberty but not peace to Scotland. The cause of the exiled family found much greater sympathy in Scotland than in England, and it was predominant in the highlands, and the struggle between the Jacobites and their opponents was bitter and long-lasting. The church had then returned to its true position in the state, and, being protected from persecution, gradually relinquished its political importance; yet I have considered it necessary to give more briefly the ecclesiastical events of this period, because they seem a necessary conclusion to the history of the period which preceded it. It is gradually lost sight of in the intrigues of political party and in the struggle which ended in the act of union, a measure which was so blindly and obstinately opposed at the time, and which has been in the event so beneficial to the whole people of Scotland, as well as to England. The materials for the history of this great event are contained in the records of proceedings of the last Scottish parliament, in the correspondence and private papers of the leading men engaged in it, and in the printed pamphlets of the time.



The union strengthened the supreme government by destroying the subordinate one, and as the latter had stood in the way of all effectual improvement, an entirely new era was now opened to Scotland. Jacobitism was expelled from its chief field of intrigue, and, driven to desperation, it now ran into more dangerous courses, which ended in the rebellion of 1745. This last-mentioned event, while it brought for a moment immense sufferings on the kingdom, conferred a lasting benefit by the destruction of the old turbulent feudalism of the highlands. From this time the prosperity of Scotland went on increasing steadily and rapidly, and the union became so complete that Scotland can henceforth be hardly considered as possessing a history separate from that of Great Britain. I have endeavoured in the following pages to trace in detail the course of all the previous events and revolutions, and I might have stopped here but for later events of a sufficiently remarkable character to fix the attention of the historian. The Scottish church had, since "forty-five," run in its course quietly, without interfering in general politics, until, but a few years ago, a spirit arose in it which led first to a collision with the civil courts, and then to a lamentable division in the church itself. The church thus for a moment assumed a place in history to overlook which would have been an imperfection in a work like the present, but I have endeavoured to give a simple detail of facts without advocating either one side or the other in events which are within the memory of every one. It forms a necessary and appropriate conclusion to the History of Scotland.

THOMAS WRIGHT.

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